

Reserve
KFI
1235
A21
v. 14
no. 25
Jun 22,
1990



JIM EDGAR
Secretary of State

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ILL REGISTER

Rules of Governmental Agencies

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or preemptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1990

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990	June 26, 1990	July 3, 1990	28	July 13, 1990
Dec. 26, 1990	Jan. 2, 1990	2	Jan. 12, 1990	July 3, 1990	July 10, 1990	29	July 20, 1990
Jan. 2, 1990	Jan. 9, 1990	3	Jan. 19, 1990	July 10, 1990	July 17, 1990	30	July 27, 1990
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Feb. 20, 1990	Feb. 27, 1990	10	Mar. 9, 1990	Aug. 28, 1990	Sept. 4, 1990	37	Sept. 14, 1990
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Apr. 24, 1990	May 1, 1990	19	May 11, 1990	Oct. 30, 1990	Nov. 5, 1990	46	Nov. 16, 1990
May 1, 1990	May 8, 1990	20	May 18, 1990	Nov. 5, 1990	Nov. 13, 1990	47	Nov. 26, 1990 (Mon.)
May 8, 1990	May 15, 1990	21	May 25, 1990	Nov. 13, 1990	Nov. 20, 1990	48	Nov. 30, 1990
May 15, 1990	May 22, 1990	22	June 1, 1990	Nov. 20, 1990	Nov. 27, 1990	49	Dec. 7, 1990
May 22, 1990	May 29, 1990	23	June 8, 1990	Nov. 27, 1990	Dec. 4, 1990	50	Dec. 14, 1990
May 29, 1990	June 5, 1990	24	June 15, 1990	Dec. 4, 1990	Dec. 11, 1990	51	Dec. 21, 1990
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June 12, 1990	June 19, 1990	26	June 29, 1990	Dec. 18, 1990	Dec. 24, 1990	1	Jan. 4, 1991
June 19, 1990	June 26, 1990	27	July 6, 1990	Dec. 24, 1990	Dec. 31, 1990	2	Jan. 11, 1991

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Cellular Radio Exclusion
- 2) Code Citation: 83 Ill. Adm. Code 760
- 3) Section Numbers:
760.20
Proposed Action:
Amendment
- 4) Statutory Authority: Implementing Section 13-203 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1989, ch. 111 2/3, pars. 10-101).
- 5) A Complete Description of the Subjects and Issues Involved:
The amendment to Part 760 expands the areas within the State in which cellular radio companies need not comply with certain tariff provisions of The Public Utilities Act.
- 6) Will this proposed amendment replace an emergency amendment currently in effect?: No.
- 7) Does this rulemaking contain an automatic repeal date: No.
- 8) Does this proposed amendment contain incorporations by reference?: No.
- 9) Are there any other proposed amendments pending on this Part?
No.
- 10) Statement of Statewide Policy Objectives: This proposed amendment neither creates nor expands any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706

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ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

Comments should be filed with the Chief Clerk within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

- A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 8, 1990
- B) Types of small businesses affected: This amendment will affect those telecommunications carriers offering cellular service that are also small businesses as defined in the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping or other procedures required for compliance: None.
- D) Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendment begins on the next page:

ILLINOIS REGISTER
DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

1) HEADING OF THE PART: Sport Fishing Regulations for the Waters of Illinois

2) CODE CITATION: 17 Ill. Adm. Code 810

3) SECTION NUMBERS: PROPOSED ACTION:

810.30 Amendments
810.40 Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1 of the Fish Code of 1971 (Ill. Rev. Stat. 1989, ch. 56, pars. 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1)

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUED INVOLVED: Site specific language for the taking of crappie in Lake Jacksonville was added in Section 810.40 to replace an Emergency. Additional changes include adding a site in Section 810.40 and adding a location to an existing site in Section 810.30.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? Yes

Section Numbers	Proposed Action	Illinois Register Citation
810.40	Amendments	14 Ill. Reg. 6865 April 27, 1990

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 760
CELLULAR RADIO EXCLUSION

Section 760.10 Chicago Metropolitan Area Exclusion
760.20 Downstate Area Exclusions

AUTHORITY: Implementing Section 13-203 of the Universal Telephone Service Protection Law of 1985 (Ill. Rev. Stat. 1989, ch. 111 2/3, par. 13-203) and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1989, ch. 111 2/3, par. 10-101).

SOURCE: Adopted at 11 Ill. Reg. 11730, effective July 1, 1987; amended at 14 Ill. Reg. 3037, effective February 15, 1990; amended at Ill. Reg. , effective

Section 760.20 Downstate Area Exclusions

Cellular radio service provided by facilities in Boone, Champaign, Clinton, Grundy, Kankakee, Kendall, Macon, Madison, McLean, Menard, Monroe, Peoria, and Sangamon, St. Clair, Tazewell, Winnebago, and Woodford Counties is excluded from the applicable tariff provisions contained in Sections 13-501, 13-502, 13-503, 13-504, 13-505, 13-506, and 13-509 of the Universal Telephone Service Protection Law of 1985 (Ill. Rev. Stat. 1989, ch. 111 2/3, pars. 13-501, 13-502, 13-503, 13-504, 13-505, 13-506, and 13-509).

(Source: Amended at Ill. Reg. , effective

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DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

Kay Giacomini
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 810

SPORT FISHING REGULATIONS FOR THE WATERS OF ILLINOIS

Section

810.10	Sale of Fish and Fishing Seasons
810.20	Snagging
810.30	Pole and Line Fishing Only
810.40	Daily Catch and Size Limits
810.50	Bait Fishing
810.60	Bullfrogs
810.70	Free Fishing Days
810.80	Emergency Protective Regulations
810.90	Tagged Fishing Tournament Permit
810.100	Bed Protection

AUTHORITY: Implementing and authorized by Sections 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1 of the Fish Code of 1971 (Ill. Rev. Stat. 1989, ch. 56, pars. 1.4, 1.5, 1.10, 2.1, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, 3.12, 3.14, 3.18, 3.19, 4.11, 5.1, 5.7, and 6.1)

SOURCE: Adopted at 5 Ill. Reg. 751, effective January 8, 1981; codified at 5 Ill. Reg. 10647; amended at 6 Ill. Reg. 342, effective December 23, 1981; amended at 6 Ill. Reg. 7411, effective June 11, 1982; amended at 7 Ill. Reg. 209, effective December 22, 1982; amended at 8 Ill. Reg. 1564, effective January 23, 1984; amended at 8 Ill. Reg. 16769, effective August 30, 1984; amended at 9 Ill. Reg. 2916, effective February 26, 1985; emergency amendments at 9 Ill. Reg. 3825, effective March 13, 1985, for a maximum of 150 days; emergency expired August 10, 1985; amended at 9 Ill. Reg. 6181, effective April 24, 1985; amended at 10 Ill. Reg. 4835, effective September 5, 1985; amended at 11 Ill. Reg. 4638, effective March 6, 1986; amended at 12 Ill. Reg. 5306, effective March 8, 1987; amended at 12 Ill. Reg. 6981, effective April 1, 1988, for a maximum of 150 days; emergency expired September 1, 1988; emergency amendments at 12 Ill. Reg. 10525, effective June 7, 1988, for a maximum of 150 days; emergency expired November 4, 1988; amended at 12 Ill. Reg. 15982, effective September 27, 1988; amended at 13 Ill. Reg. 8419, effective May 19, 1989; emergency amendments at 13 Ill. Reg. 12643, effective July 14, 1989, for a maximum of 150 days; emergency expired December 11, 1989; emergency amendments at 13 Ill. Reg. 14085, effective September 4, 1989, for

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

a maximum of 150 days; emergency expired February 1, 1990; emergency amendments at 13 Ill. Reg. 15118, effective September 11, 1989, for a maximum of 150 days; emergency expired February 8, 1990; amended at 14 Ill. Reg. 6164, effective April 17, 1990; emergency amendments at 14 Ill. Reg. 6865, effective April 17, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 8588, effective May 21, 1990; amended at 14 Ill. Reg. _____, effective _____.

Section 810.30 Pole and Line Fishing Only

Anglers must not use more than 2 poles and each pole must not have more than 2 hooks or lures attached while fishing in the following waters, except as indicated, and except that legal size cast nets, (in accordance with Section 810.50(a)(1)) shad scoops, and minnow seines may be used to obtain shad, minnows, and crayfish to use as bait, provided that they are not sold:

Argyle Lake, Argyle Lake State Park, McDonough County
Ashley Reservoir, City of Ashley, Washington County
Baldwin Lake, Baldwin Lake Conservation Area, Randolph and St. Clair Counties
Banner Marsh Lakes and Ponds, Banner Marsh State Fish and Wildlife Area, Peoria and Fulton Counties, except that carp, buffalo, suckers and gar may be taken by bow and arrow devices or spears during May and June
Beall Woods Lake, Beall Woods Conservation Area, Wabash County
Beaver Dam Lake, Beaver Dam State Park, Macoupin County
Borah Lake, City of Olney, Richland County
Canton Lake, City of Canton, Fulton County
Cedar Lake, U.S. Forest Service and City of Carbondale, Jackson County
Charleston Lower Channel Lake, City of Charleston, Coles County
Charleston Side Channel Lake, City of Charleston, Coles County

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

Charlie Brown Park Lake and Pond, City of Flora, Clay County

Citizen's Lakes (North and South), City of Monmouth, Warren County

Clinton Lake, Clinton Lake State Recreation Area, DeWitt County, except that sport fishermen will be allowed to use trot lines, jug fishing and bank poles in the portions of the impoundment that lie north of the Davenport Bridge and northeast of the Parnell Bridge

Coleta Trout Ponds, State of Illinois, Whiteside County

Cook County Forest Preserve District Lakes (Arrowhead Lake, Axehead Lake, Beck Lake, Belleau Lake, Belly Deep Slough, Big Bend Lake, Bode Lake, Bullfrog Lake, Busse Lake, Cermak Quarry, Deer Grove Lake, Flatfoot Lake, Green Lake, Horsetail Lake, Ida Lake, Joe's Pond, Maple Lake, McGinnis Slough, Midlothian Reservoir, Papoose Lake, Potawatomi Lake, Powderhorn Lake, Saganashkee Slough, Sag Quarry East, Sag Quarry West, Schiller Pond, Skokie Lagoons, Tampier Lake, Tuma Lake, Turtlehead Lake and Wampum Lake), Cook County

Coulterville City Lake, City of Coulterville, Randolph County

Crab Orchard Lake, Crab Orchard National Wildlife Refuge, Williamson County, except that sport fishermen will be allowed to use trot lines, bank poles and jugs, and except that the use and aid of underwater breathing devices for the purpose of taking channel catfish and flathead catfish is prohibited

Crawford County Conservation Area Ponds, Crawford County
Dawson Lake and Park Ponds, Moraine View State Park, McLean County

Decatur Park District Ponds, City of Decatur, Macon County

Defiance, Tomahawk, Warrior and Wilderness Lakes, Moraine Hills State Park, McHenry County

Devil's Kitchen Lake, U.S. Fish and Wildlife Service,

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Williamson County

Dolan Lake, Hamilton County Conservation Area, Hamilton County

Donut Lake, Palatine Park District, Cook County

Dutchman Lake, Shawnee National Forest, Johnson County

East Fork Lake, City of Olney, Richland County

Ferne Clyffe Lake, Ferne Clyffe State Park, Johnson County

Fitch and Bond Lake, Canton Park District, Fulton County

Forbes Lake and Ponds, Stephen A. Forbes State Park, Marion County except that carp, buffalo, and bowfin may be taken by pitchfork, bow and arrow devices and gigs

Forest Park Lagoon, City of Shelbyville, Shelby County

Fox Ridge Lake, Fox Ridge State Park, Coles County

Frank Holten Lakes, Frank Holten State Park, St. Clair County

Franklin Creek in Franklin Creek State Natural Area, except that all fishing is prohibited in any area from Mondays Bridge upstream to the State property line east of headquarters, and in an area from a point 300' upstream of trail marker 0, upstream to trail marker 4.

Gale Lake, Village of East Galesburg, Knox County

Gillespie Old City Lake, City of Gillespie, Macoupin County

Gladstone Lake, Henderson County Conservation Area, Henderson County

Heidecke Lake State Fish and Wildlife Area, Grundy County

Hennepin Canal and Feeder Canal, Hennepin Canal Parkway State Park, Bureau, Henry, Rock Island, and Whiteside Counties, except that jug fishing is permitted from the hours of sunset to sunrise, and except that carp and buffalo may be taken by bow and arrow devices during May

and June. All jugs must have owner's/user's name and complete address affixed.

Hidden Springs State Forest Ponds, Shelby County

Homer Lake, Champaign County Forest Preserve District, Champaign County

Hornel Ponds, Donnelly State Fish and Wildlife Area, Bureau County, except that carp, buffalo, suckers and gar may be taken by bow and arrow devices or spears during May and June.

Horseshoe Lake, Horseshoe Lake Conservation Area, Alexander County

Horseshoe Lake, Horseshoe Lake State Park, Madison County, except that sport fishermen may use trot lines but they must be set at least 200 feet from shore

Horton Lake, Nauvoo State Park, Hancock County

Illinois Department of Transportation Lake, State of Illinois, Sangamon County

Illinois and Michigan Canal, State of Illinois, Grundy, Will and LaSalle Counties

Illinois Beach State Park Ponds, Illinois Beach State Park, Lake County

Johnson Sauk Trail Lake and Ponds, Johnson Sauk Trail State Park, Henry County

Jones Park Lake, City of East St. Louis, St. Clair County

Jones State Lake, Saline County Conservation Area, Saline County

Jubilee College State Park Ponds, Jubilee College State Park, Peoria County

Kickapoo State Park Lakes and Ponds, Vermillion County

Lake Carlton, Morrison-Rockwood State Park, Whiteside County

Lake County Forest Preserve District Lakes, County of

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

Lake, Lake County

Lake Decatur, City of Decatur, Macon County

Lake George, Loud Thunder Forest Preserve, Rock Island Forest Preserve District, Rock Island County

Lake Glendale, Shawnee National Forest, Pope County

Lake Jacksonville, City of Jacksonville, Morgan County

Lake Kakusha, City of Mendota, LaSalle County

Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park, Stephenson County

Lake Milliken, Des Plaines Conservation Area, Will County

Lake Mingo, and Ponds, Kennukuk Cove Park, Vermilion County Conservation Area, Vermilion County

Lake Murphysboro, Lake Murphysboro State Park, Jackson County

Lake Nellie, City of St. Elmo, Fayette County

Lake of the Woods and Elk's Pond in Lake of the Woods County Park, Champaign County Forest Preserve District, Champaign County

Lake Paradise, City of Mattoon, Coles County

Lake Paradise Shadow Ponds, City of Mattoon, Coles County

Lake Shelbyville State Fish and Wildlife Area Ponds, Lake Shelbyville State Fish and Wildlife Area, Moultrie County

Lake Shelbyville Project Ponds and Woods Lake (but not Lake Shelbyville), U. S. Army Corps of Engineers, Moultrie and Shelby Counties

Lake Storey, City of Galesburg, Knox County

Lake Vandalia, City of Vandalia, Fayette County

LaSalle Lake, LaSalle Power Station, LaSalle County

Lincoln Log Cabin Pond, Lincoln Log Cabin Historical

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

Site, Coles County

Lincoln Trail Lake, Lincoln Trail State Park, Clark County

Little Black Slough, Little Black Slough State Natural Area, Johnson County, except that seines, cast nets and shad scoops shall not be used at any time to take aquatic species

Little Cedar Lake, Shawnee National Forest, Jackson County

Little Grassy Lake, U.S. Fish and Wildlife Service, Williamson County

Little Sister Lake, County of Fulton, Fulton County

Lower Cache River, Lower Cache River State Natural Area, Pulaski and Johnson Counties; except that seines, cast nets and shad scoops shall not be used at any time to take aquatic species.

Lyerla Lake, Union County Conservation Area, Union County

Macon County Conservation District Ponds, Macon County

Marshall County Conservation Area (Fishing Ditch Portion), Marshall County

Mattoon Lake, City of Mattoon, Coles, Cumberland and Shelby Counties

Mazonia-Braidwood State Fish and Wildlife Area Lakes and Ponds, Mazonia-Braidwood State Fish and Wildlife Area, Grundy and Will Counties

McLeansboro City Lakes, City of McLeansboro, Hamilton County

Mermet State Lake, Mermet Lake Conservation Area, Massac County

Middle Fork Forest Preserve Ponds, Champaign County Forest Preserve, Champaign County

Mill Creek Lake, Clark County Park District, Clark County

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Miller Park Lake, City of Bloomington, McLean County
 Montrose Lake, City of Montrose, Cumberland County
 Mt. Olive Old and New City Lakes, City of Mt. Olive, Macoupin County
 Mundelein Park District (Diamond Lake and Park Ponds), City of Mundelein, Lake County
 Nashville City Lake, City of Nashville, Washington County
 Newton Lake, Newton Lake State Fish and Wildlife Area, Jasper County
 Oakland City Lake, City of Oakland, Coles County
 One Horse Gap Lake, Shawnee National Forest, Gallatin County
 Pana Lake, City of Pana, Shelby and Christian Counties
 Paris East and West Lakes, City of Paris, Edgar County
 Pierce Lake, Rock Cut State Park, Winnebago County, except that sport fisherman may take carp by means of pitchfork, bow and arrow devices, and gigs during May and June
 Pounds Hollow Lake, Shawnee National Forest, Gallatin County
 Powerton Lake, Powerton Lake Fish and Wildlife Area, Tazewell County
 Pyramid State Park Lakes and Ponds, Perry County
 Ramsey Lake, Ramsey Lake State Park, Fayette County
 Randolph County Lake, Randolph County Conservation Area, Randolph County
 Red Hills Lake, Red Hills State Park, Lawrence County
 Rend Lake Project Ponds, U.S. Army Corps of Engineers, Franklin and Jefferson Counties
 Sam Dale Conservation Area Lake and Pond, Wayne County

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Sam Parr Lake, Sam Parr State Park, Jasper County
 Sangchris Lake State Park Lake and Ponds, Sangamon and Christian Counties
 Shabbona Lake, Shabbona Lake State Park, DeKalb County
 Siloam Springs Lake, Siloam Springs State Park, Adams County
 Silver Springs State Park Lake(s) and Ponds, Silver Springs State Park, Kendall County
 Snake Den Hollow Lakes, Snake Den Hollow State Fish and Wildlife Area, Knox County
 Sparta City Lakes, City of Sparta, Randolph County
 Spring Lake, City of Macomb, McDonough County
 Spring Lake (North and South), Spring Lake Conservation Area, Tazewell County, except that carp and buffalo may be taken by bow and arrow devices during May and June
 Tecumseh Lake, Shawnee National Forest, Hardin County
 Ten Mile Creek Lakes, Ten Mile Creek State Fish and Wildlife Area, Hamilton County
 Turner Lake, Chain O'Lakes State Park, Lake County
 Tuscola City Lake, City of Tuscola, Douglas County
 Valley Lake, Wildwood Park District, Lake County
 Villa Grove West Lake, City of Villa Grove, Douglas County
 Virginia City Reservoir, City of Virginia, Cass County
 Walnut Point Lake, Walnut Point State Fish and Wildlife Area, Douglas County
 Washington County Lake, Washington County Conservation Area, Washington County
 Weinberg-King Pond, Weinberg-King State Park, Schuyler

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Weldon Springs Lake, Weldon Springs State Park, DeWitt County

Whoopie Cat Lake, Shawnee National Forest, Hardin County

Wolf Lake, William W. Powers Conservation Area, Cook County

Woodford County Conservation Area (Fishing Ditch Portion of the Area), Woodford County

Wyman Lake, City of Sullivan, Moultrie County

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 810.40 Daily Catch and Size Limits

- a) Length is measured from the tip of the snout to the end of the tail with the fish laid flat on a ruler, with mouth closed and tail lobes pressed together.
- b) No Person may remove the head or tail of fishes to which length limits apply while on the waters to which length limits apply. Regardless of where taken, no fish less than the specified minimum length or more than the daily catch shall be possessed on the waters to which length limits and/or daily catch limits apply.

c) Limits by type of fish

1) CHANNEL CATFISH

A) Statewide Regulations.

There are no daily catch or size limits except in those waters listed under Site Specific Regulations.

B) Site Specific Regulations.

Daily catch limit is 6 channel catfish in the following waters:

Allison Lake, City of Allison, Logan County

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Andover Lake, City of Andover, Henry County

Argyle Lake, Argyle Lake State Park, McDonough County

Ashland Reservoir, City of Ashland, Cass County

Ashley Reservoir, City of Ashley, Washington County

Banner Marsh Lakes and Ponds, Banner Marsh State Fish and Wildlife Area, Peoria and Fulton Counties

Bay Creek Lake, U.S. Forest Service, Pope County

Beall Woods Lake, Beall Woods Conservation Area, Wabash County

Beaver Dam Lake, Beaver Dam State Park, Macoupin County

Borah Lake, City of Olney, Richland County

Buckner City Reservoir, City of Buckner, Franklin County

Bunker Hill Lake, City of Bunker Hill, Macoupin County

Burrells Wood Park Pond, White County

Canton Lake, City of Canton, Fulton County

Carthage Lake, City of Carthage, Hancock County

Charleston Side Channel Lake, City of Charleston, Coles County

Charlie Brown Park Lake and Pond, City of Flora, Clay County

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Citizen's Lakes (North and South), City of Monmouth, Warren County

Cook County Forest Preserve District (Busse Lake, Maple Lake and Tampier Lake), Cook County

Coulterville City Lake, City of Coulterville, Randolph County

Crawford County Conservation Area Ponds, Crawford County

Dawson Lake and Park Ponds, Moraine View State Park, McLean County

Decatur Park District Ponds, City of Decatur, Macon County

Defiance, Tomahawk, Warrior and Wilderness Lakes, Moraine Hills State Park, McHenry County

Dolan Lake, Hamilton County Conservation Area, Hamilton County

Donut Lake, Palatine Park District, Cook County

Dutchman Lake, Shawnee National Forest, Johnson County

East Fork Lake, City of Olney, Richland County

Eldorado New City Lake, City of Eldorado, Saline County

Ferne Clyffe Lake, Ferne Clyffe State Park, Johnson County

Fitch and Bond Lake, Canton Park District, Fulton County

Forbes State Lake and Ponds, Stephen A. Forbes State Park, Marion County

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Forest Park Lagoon, City of Shelbyville, Shelby County

Four Lakes, Winnebago County Forest Preserve, Winnebago County

Fox Ridge Lake, Fox Ridge State Park, Coles County

Frank Holten Lakes, Frank Holten State Park, St. Clair County

Gale Lake, Village of East Galesburg, Knox County

Gillespie New City Lake, City of Gillespie, Macoupin County

Gillespie Old City Lake, City of Gillespie, Macoupin County

Gladstone Lake, Henderson County Conservation Area, Henderson County

Greenfield Old City Lake, Kingsbury Park District, Bond County

Greenville Old City Lake, City of Greenville, Bond County

Harrisburg New City Reservoir, City of Harrisburg, Saline County

Heidecke Lake State Fish and Wildlife Area, Grundy County

Herrick Lake, DuPage County

Hidden Springs State Forest Ponds, Shelby County

Highland Old City Lake, City of Highland, Madison County

Hillsboro Old City Lake, City of Hillsboro, Montgomery County

Homer Lake, Champaign County Forest

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Preserve District, Champaign County

Hornel Ponds, Donnelly State Fish and Wildlife Area, Bureau County

Horseshoe Lake, Horseshoe Lake Conservation Area, Alexander County

Horton Lake, Nauvoo State Park, Hancock County

Illinois and Michigan Canal, Illinois and Michigan Canal State Trail, Grundy, Will and LaSalle Counties

Illinois Beach State Park Ponds, Illinois Beach State Park, Lake County

Illinois Department of Transportation Lake, Illinois Department of Transportation, Sangamon County

Johnson Sauk Trail Lake and Pond, Johnson Sauk Trail State Park, Henry County

Jones Park Lake, City of East St. Louis, St. Clair County

Jones State Lake, Saline County Conservation Area, Saline County

Jubilee College State Park Ponds, Jubilee College State Park, Peoria County

Kendall County Lake #1, Kendall County Forest Preserve, Kendall County

Kickapoo State Park Lakes and Ponds, Vermilion County

Lake Atwood, McHenry County Conservation District, McHenry County

Lake Carlton, Morrison-Rockwood State Park, Whiteside County

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Lake County Forest Preserve District Lakes, County of Lake, Lake County

Lake George, Loud Thunder Forest Preserve, Rock Island Forest Preserve District, Rock Island County

Lake Glendale, Shawnee National Forest, Pope County

Lake Jacksonville, City of Jacksonville, Morgan County

Lake Kakusha, City of Mendota, LaSalle County

Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park, Stephenson County

Lake Mendota, City of Mendota, LaSalle County

Lake Milliken, Des Plaines Conservation Area, Will County

Lake Mingo and Ponds, Kennukuk Cove Park, Vermilion County Conservation District, Vermilion County

Lake Murphysboro, Lake Murphysboro State Park, Jackson County

Lake Nellie, City of St. Elmo, Fayette County

Lake Paradise Shadow Ponds, City of Mattoon, Coles County

Lake of the Woods and Elks Pond, Champaign County Forest Preserve District, Champaign County

Lake Shelbyville State Fish and Wildlife Area Ponds, Lake Shelbyville State Fish and Wildlife Area, Moultrie County

Lake Shelbyville Project Ponds and Woods Lake (but not Lake Shelbyville), U. S.

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Army Corps of Engineers, Moultrie and Shelby Counties

Lake Storey, City of Galesburg, Knox County

Lake Vandalia, City of Vandalia, Fayette County

Lake Williamsville, City of Williamsville, Sangamon County

Lincoln Trail Lake, Lincoln Trail State Park, Clark County

Little Cedar Lake, Shawnee National Forest, Jackson County

Little Grassy Lake, U.S. Fish and Wildlife Service, Williamson County

Little Sister Lake, County of Fulton, Fulton County

Lyerla Lake, Union County Conservation Area, Union County

Macon County Ponds, Macon County Conservation District, Macon County

Mazonia-Braidwood State Fish and Wildlife Area Lakes and Ponds, Mazonia-Braidwood State Fish and Wildlife Area, Grundy and Will Counties

McCullom Lake, McHenry County Conservation District, McHenry County

McLeansboro City Lakes, City of McLeansboro, Hamilton County

Mermet Lake, Mermet Lake Conservation Area, Massac County

Middle Fork Forest Preserve Park Ponds, Champaign County Forest Preserve, Champaign County

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Mill Creek Lake, Clark County Park District, Clark County

Miller Park Lake, City of Bloomington, McLean County

Monee Reservoir, Will County Forest Preserve District, Will County

Montrose Lake, City of Montrose, Effingham County

Mt. Olive City Lakes, City of Mt. Olive, Macoupin County

Mt. Sterling Lake, City of Mt. Sterling, Brown County

Mundelein Park District (Diamond Lake and Park Ponds), City of Mundelein, Lake County

Nashville City Lake, City of Nashville, Washington County

Oakhurst Lake, City of Aurora, Kane County

Oakland City Lake, City of Oakland, Coles County

One Horse Gap Lake, Shawnee National Forest, Pope County

Palmyra City Lake and Terry Park Pond, City of Palmyra, Macoupin County

Pana Lake, City of Pana, Shelby and Christian Counties

Paris East and West Lakes, City of Paris, Edgar County

Pierce Lake, Rock Cut State Park, Winnebago County

Pocahontas Park Pond, City of Pocahontas, Bond County

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Pounds Hollow Lake, Shawnee National Forest, Gallatin County

Powerton Lake, Powerton Lake Conservation Area, Tazewell County

Pratts Wayne Woods Lakes, DuPage County Forest Preserve, DuPage County

Pyramid State Park Lakes and Ponds, Perry County

Ramsey Lake, Ramsey Lake State Park, Fayette County

Randolph County Lake, Randolph County Conservation Area, Randolph County

Red Hills Lake, Red Hills State Park, Lawrence County

Rend Lake Project Ponds, U.S. Army Corps of Engineers, Franklin and Jefferson Counties

Roodhouse Park Lake, City of Roodhouse, Greene County

Sam Dale Conservation Area Lake and Ponds, Wayne County

Sam Parr Lake, Sam Parr State Park, Jasper County

Sand Lake, Illinois Beach State Park, Lake County

Senior Citizen's Pond, Kankakee River State Park, Kankakee County

Shabbona Lake, Shabbona Lake State Park, DeKalb County

Shawnee National Forest Lakes and Ponds, Shawnee National Forest, all counties

Siloam Springs Lake, Siloam Springs

State Park, Adams County

Silver Springs State Park Lakes and Ponds, Kendall County

Snake Den Hollow Lakes, Snake Den Hollow State Fish and Wildlife Area, Knox County

Sparta City Lakes, City of Sparta, Randolph County

Spring Lake, City of Macomb, McDonough County

Spring Lake North and South, Spring Lake Conservation Area, Tazewell County

Staunton City Lake, City of Staunton, Macoupin County

Tecumseh Lake, Shawnee National Forest, Hardin County

Ten Mile Creek Lakes, Ten Mile Creek State Fish and Wildlife Area, Hamilton County

Turner Lake, Chain O'Lakes State Park, Lake County

Tuscola City Lake, City of Tuscola, Douglas County

Valley Lake, Willwood Park District, Lake County

Vandalia Correctional Facility Ponds, State of Illinois, Marion County

Vanhorn Woods Pond, Will County Forest Preserve District, Will County

Venor Lake, City of Olney, Richland County

Villa Grove West Lake, City of Villa Grove, Douglas County

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Virginia City Reservoir, City of
Virginia, Cass County

Walnut Point Lake, Walnut Point State
Fish and Wildlife Area, Douglas County
Walton Park Lake, City of Litchfield,
Montgomery County

Washington County Lake, Washington
County Conservation Area, Washington
County

Waverly Lake, City of Waverly, Morgan
County

Weinberg-King Pond, Weinberg-King State
Park, Schuyler County

Weldon Springs Lake, Weldon Springs
State Park, Dewitt County

West Frankfort New City Lake, City of
West Frankfort, Franklin County

West Frankfort Old City Lake, City of
West Frankfort, Franklin County

White Hall City Lake, City of White
Hall, Greene County

Whoopie Cat Lake, Shawnee National
Forest, Hardin County

Wolf Lake, William W. Powers
Conservation Area, Cook County

Wyman Lake, City of Sullivan, Moultrie
County

2) LARGEMOUTH BASS, SMALLMOUTH BASS, SPOTTED BASS

A) Statewide Regulations.

Daily catch limit is 6 bass, either singly or
in the aggregate, except as specified under
Site Specific Regulations. There is no size

limit except in those waters listed under Site
Specific Regulations.

B) Site Specific Regulations.

i) All largemouth bass and smallmouth bass
taken must be 12 inches in total length
or longer in the following waters:

That portion of the Mississippi River
that lies between the States of Illinois
and Iowa (River Miles 361.4 to 580.7).

ii) All largemouth bass taken must be 12
inches in total length or longer in the
following waters:

U.S. Forest Service Lakes and Ponds less
than 10 surface acres, U.S. Department
of Agriculture, Multiple Counties
Southern Illinois.

iii) All largemouth or smallmouth bass taken
must be 14 inches in total length or
longer in the following waters:

Banner Marsh Lakes and Ponds, Banner
Marsh State Fish and Wildlife Area,
Peoria and Fulton Counties

Borah Lake, City of Olney, Richland
County

Carlyle Lake (including its tributary
streams and those portions of the
Kaskaskia River and Hurricane Creek up
to the U.S. Army Corps of Engineers
Carlyle Lake Project boundaries) U.S.
Army Corps of Engineers, Bond, Clinton,
and Fayette Counties

Charleston Side Channel Lake, City of
Charleston, Coles County

Charlie Brown Lake and Pond, City of
Flora, Clay County

Clinton Lake, Clinton Lake State

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Recreation Area, DeWitt County

Defiance, Tomahawk, Warrior and Wilderness Lakes, Moraine Hills State Park, McHenry County

Dolan Lake, Dolan Lake Conservation Area, Hamilton County

Forbes State Lake and Ponds, Forbes State Fish and Wildlife Area, Marion County

Fox Chain O'Lakes, including the Fox River South of the Illinois-Wisconsin Line to the McHenry Dam, State of Illinois, Lake and McHenry Counties

Fox Ridge Lake, Fox Ridge State Park, Coles County

Frank Holten Lakes, Frank Holten State Park, St. Clair County

Hennepin Canal, Hennepin Canal Parkway State Park, Rock Island, Henry, Bureau and Whiteside Counties

Hennepin Canal Mainline and Feeder, Hennepin Canal State Park, Rock Island, Henry, Bureau and Whiteside Counties

Hidden Springs State Forest Ponds, Shelby County

Homer Lake, Champaign County Forest Preserve District, Champaign County

Hornel Ponds, Donnelly State Fish and Wildlife Area, Bureau County

Horseshoe Lake, Horseshoe Lake Conservation Area, Alexander County

Johnson Sauk Trail Lake and Pond, Johnson Sauk Trail State Park, Henry County

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Jones State Lake, Glen O. Jones Conservation Area, Saline County

Lake Carlton, Morrison-Rockwood State Park, Whiteside County

Lake Decatur, City of Decatur, Macon County

Lake George, Loud Thunder Forest Preserve, Rock Island Forest Preserve District, Rock Island County

Lake Kakusha, City of Mendota, LaSalle County

Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park, Stephenson County

Lake Nellie, City of St. Elmo, Fayette County

Lake of the Woods and Elk's Pond, Champaign County Forest Preserve District, Champaign County

Lake Paradise and Shadow Ponds, City of Mattoon, Coles County

Lake Sara, City of Effingham, Effingham County

Lake Shelbyville (including its tributary streams and those portions of the West Okaw and Kaskaskia Rivers up to Lake Shelbyville Project boundaries), Lake Shelbyville Project Ponds and Woods Lake, U.S. Army Corps of Engineers, Shelby and Moultrie Counties

Lake Shelbyville State Fish and Wildlife Area Ponds, Lake Shelbyville State Fish and Wildlife Area, Moultrie County

Lake Vandalia, City of Vandalia, Fayette County

Mattoon Lake, City of Mattoon, Coles,

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Cumberland and Shelby Counties County
 McLeansboro City Lakes, City of
 McLeansboro, Hamilton County
 Mermet Lake, Mermet Lake Conservation
 Area, Massac County
 Middle Fork Forest Preserve Ponds,
 Champaign County Forest District,
 Champaign County
 Montrose Lake, City of Montrose,
 Cumberland County
 Oakland City Lake, City of Oakland,
 Coles County
 Pana Lake, City of Pana, Shelby and
 Christian Counties
 Paris East and West Lakes, City of
 Paris, Edgar County
 Peelman Lake, Kickapoo State Park,
 Vermillion County
 Pierce Lake, Rock Cut State Park,
 Winnebago County
 Pittsfield City Lake, City of
 Pittsfield, Pike County
 Powerton Lake, Powerton Lake
 Conservation Area, Tazewell County
 Ramsey Lake, Ramsey Lake State Park,
 Fayette County
 Randolph County Lake, Randolph County
 Conservation Area, Randolph County
 Rend Lake and Rend Lake Project Ponds,
 U.S. Army Corps of Engineers, Franklin
 and Jefferson Counties
 Sam Dale Lake, Sam Dale Conservation
 Area, Wayne County

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Sand Lake, Illinois Beach State Park,
 Lake County
 Shabbona Lake, Shabbona Lake State Park,
 DeKalb County
 Spring Lake (North and South), Spring
 Lake Conservation Area, Tazewell County
 Ten Mile Creek Lakes, Ten Mile Creek
 State Fish and Wildlife Area, Hamilton
 County
 Tuscola City Lake, City of Tuscola,
 Douglas County
 Villa Grove West Lake, City of Villa
 Grove, Douglas County
 Washington County Lake, Washington
 County Conservation Area, Washington
 County
 Weldon Springs Lake, Weldon Springs
 State Park, Dewitt County
 Wolf Lake, Wolf Lake Conservation Area,
 Cook County

iv) All largemouth or smallmouth bass taken
 must be less than 12 inches in total
 length or greater than 15 inches in
 total length in the following waters:

Citizen's Lakes (North and South), City
 of Monmouth, Warren County
 Devil's Kitchen Lake, Crab Orchard
 Refuge, U.S. Fish and Wildlife Service,
 Williamson County
 East Fork Lake, City of Olney, Richland
 County
 Gillespie New City Lake, City of
 Gillespie, Macoupin County

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Gladstone Lake, Henderson County
Conservation Area, Henderson County
Lake Storey, City of Galesburg, Knox
County

Little Grassy Lake, Crab Orchard Refuge,
U.S. Fish and Wildlife Service,
Williamson County

Mill Creek Lake, Clark County Park
District, Clark County

Mt. Sterling Lake, City of Mt. Sterling,
Brown County

Siloam Springs Lake, Siloam Springs
State Park, Adams and Brown Counties

Walnut Point Lake, Walnut Point State
Fish and Wildlife Area, Douglas County

v) All largemouth (or smallmouth) bass
taken must be 15 inches in total length
or longer in the following waters:

Ashley Reservoir, City of Ashley,
Washington County

Ashland City Reservoir, City of Ashland,
Cass County

Beall Woods Lake, Beall Woods
Conservation Area, Wabash County

Beaver Dam Lake, Beaver Dam State Park,
Macoupin County

Cedar Lake, U.S. Forest Service and City
of Carbondale, Jackson County

Centralia Lake, City of Centralia,
Marion County

Coffeen Lake, Coffeen Lake Fish and
Wildlife Area, Montgomery County

Crab Orchard Lake and Refuge Ponds,

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except Visitor Pond, Crab Orchard
National Wildlife Refuge, U.S. Fish and
Wildlife Service, Williamson County (see
Section 810.40(c)(2)(B)(viii)).

Crawford County C.A. Ponds, Crawford
County Conservation Area, Crawford
County

Dawson Lake and Ponds, Moraine View
State Park, McLean County

Gale Lake, Village of East Galesburg,
Knox County

Gillespie Old City Lake, City of
Gillespie, Macoupin County

Glen Shoals Lake, City of Hillsboro,
Montgomery County

Governor Bond Lake, City of Greenville,
Bond County

Lake County Forest Preserve District
Lakes, County of Lake, Lake County

Lake Jacksonville, City of Jacksonville,
Morgan County

Lake Mingo and Ponds at Kennekuk Cove
Park, Vermillion County Conservation
District, Vermillion County

Lake Murphysboro, Murphysboro State
Park, Jackson County

Lake Springfield, City of Springfield,
Sangamon County

Lake Vermillion, Vermillion County
Conservation District, Vermillion County

Lake Williamsville, City of
Williamsville, Sangamon County

Little Sister Lake, County of Fulton,
Fulton County

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Mazonia-Braidwood State Fish and Wildlife Area Lakes and Ponds, Mazonia-Braidwood State Fish and Wildlife Area, Gundy County

Mundelein Park District Diamond Lake and Park Ponds, City of Mundelein, Lake County

Otter Lake, Otter Lake Water Commission, Macoupin County

Red Hills Lake, Red Hills State Park, Lawrence County

Sam Parr State Park, Jasper County

Sangchris Lake, Sangchris Lake State Park, Sangamon and Christian Counties

Silver Springs State Park Lakes and Ponds, Silver Springs State Park, Kendall County

Sparta City Lakes, City of Sparta, Randolph County

Turner Lake, Chain O'Lakes State Park, Lake County

Valley Lake, Wildwood Park District, Lake County

Waverly Lake, City of Waverly, Morgan County

Virginia City Reservoir, City of Virginia, Cass County

vi) No more than one (1) largemouth or smallmouth bass 15 inches in total length or longer and two (2) largemouth or smallmouth bass less than 15 inches in total length may be taken daily in the following waters:

vii) All largemouth or smallmouth bass taken

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must be 18 inches in total length or longer in the following waters:

Baldwin Lake, Baldwin Lake Conservation Area, Randolph and St. Clair Counties

Heidecke Lake, Heidecke Lake State Fish and Wildlife Area, Grundy County

Kinkaid Lake, Kinkaid Lake State Fish and Wildlife Area, Jackson County

LaSalle Lake, LaSalle Power Station, LaSalle County

Nashville City Lake, City of Nashville, Washington County

Newton Lake, Newton Lake State Fish and Wildlife Area, Jasper County

viii) All smallmouth bass taken must be 18 inches in total length or longer in the following waters:

Crab Orchard Lake and Refuge Ponds, except Visitor Pond, Crab Orchard National Wildlife Refuge, U.S. Fish and Wildlife Service, Williamson County, until such time as the water level reaches the spillway elevation of 405 feet mean sea level, at which time the length limit shall revert to 15 inches minimum (See Section 810.40(c)(2)(B)(v))

LaSalle Lake, LaSalle Fish and Wildlife Area, LaSalle County

ix) Daily catch limit shall not exceed 3 largemouth bass or smallmouth bass, singly or in aggregate, in the following waters:

Beaver Dam Lake, Beaver Dam State Park, Macoupin County

Coffeen Lake, Coffeen Lake Fish and Wildlife Area, Montgomery County

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Defiance, Tomahawk, Warrior and Wilderness Lakes, Moraine Hills State Park, McHenry County

Gale Lake, Village of East Galesburg, Knox County

Gillespie New City Lake, City of Gillespie, Macoupin County

Gillespie Old City Lake, City of Gillespie, Macoupin County

Gladstone Lake, Henderson County Conservation Area, Henderson County

Glen Shoals Lake, City of Hillsboro, Montgomery County

Governor Bond Lake, City of Greenville, Bond County

Heidecke Lake, Heidecke Lake State Fish and Wildlife Area, Grundy County

Lake Kakusha, City of Mendota, LaSalle County

Little Sister Lake, County of Fulton, Fulton County

Mazonia-Braidwood State Fish and Wildlife Area Lakes and Ponds, Mazonia-Braidwood State Fish and Wildlife Area, Grundy and Will Counties

Mundelein Park District Diamond Lake and Park Ponds, City of Mundelein, Lake County

Newton Lake, Newton Lake State Fish and Wildlife Area, Jasper County

Randolph County Lake, Randolph County Conservation Area, Randolph County

Rend Lake Project Ponds, U.S. Army Corps

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of Engineers, Franklin and Jefferson Counties

Sangchris Lake, Sangchris Lake State Park, Sangamon and Christian Counties

Valley Lake, Wildwood Park District, Lake County

x) Daily catch limit for largemouth or smallmouth bass, singly or in the aggregate, shall not exceed 6 fish per day, no more than one of which may be greater than 15 inches in length and none of which may be greater than 12 inches but less than 15 inches in length, in the following waters:

Argyle Lake, Argyle Lake State Park, McDonough County

Snake Den Hollow Lakes, Snake Den Hollow State Fish and Wildlife Area, Knox County

xi) Daily Catch limit shall not exceed one (1) largemouth bass or smallmouth bass in the following waters:

Banner Marsh Lakes and Ponds, Banner Marsh State Fish and Wildlife Area, Peoria and Fulton Counties

LaSalle Lake, LaSalle Fish and Wildlife Area, LaSalle County

Lake Carlton, Morrison-Rockwood State Park, Whiteside County

Lake County Forest Preserve District Lakes, Lake County Forest Preserve District, Lake County

Shabbona Lake, Shabbona Lake State Park, DeKalb County

Turner Lake, Chain O'Lakes State Park, Lake County

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- xii) All largemouth bass taken must be 21 inches in total length or longer in the following waters:

Visitor Pond, Crab Orchard National Wildlife Refuge, U.S. Fish and Wildlife Service, Williamson County

- xiii) All smallmouth bass caught from the waters of the South Branch of the Kishwaukee River in DeKalb, Ogle and Winnebago Counties must be immediately released back into the River at the location they were caught until July 1, 1989.

3) MUSKELLUNGE, NORTHERN PIKE AND THEIR HYBRIDS

A) Statewide Regulations.

- i) All muskellunge and muskellunge hybrids (tiger muskie) taken must be 30 inches in total length or longer.
- ii) No more than 1 muskellunge or muskellunge hybrid (tiger muskie), either singly or in the aggregate may be taken per day.
- iii) All northern pike taken must be 24 inches in total length or longer, except in the Mississippi River where there is no size limit.
- iv) No more than 3 northern pike may be taken per day, except as specified under Site Specific Regulations.

B) Site Specific Regulations.

- i) Daily catch limit shall not exceed 5 northern pike in that portion of the Mississippi River that lies between the State of Illinois and Iowa (River Miles 361.4 to 580.7).
- ii) Daily catch limit shall not exceed 1

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northern pike in that portion of the Mississippi River that lies between the States of Illinois and Missouri (River Miles 0.0 to 361.4).

4) CRAPPIE (BLACK AND WHITE CRAPPIE)

A) Statewide Regulations.

There are no catch or size limits except in those waters listed under Site Specific Regulations.

B) Site Specific Regulations.

- i) All crappie taken from the following waters must be 9 inches in total length or longer:

Baldwin Lake, Baldwin Lake Conservation Area, Randolph and St. Clair Counties

Beaver Dam Lake, Beaver Dam State Park, Macoupin County

Clinton Lake, Clinton Lake State Recreation Area, DeWitt County

Coffeen Lake, Coffeen Lake State Fish and Wildlife Area, Montgomery County

Lake Jacksonville, City of Jacksonville, Morgan County

Lake Shelbyville (including its tributary streams and those portions of the West Okaw and Kaskaskia Rivers up to Lake Shelbyville Project boundaries), Lake Shelbyville Project Ponds and Woods Lake, U.S. Army Corps of Engineers, Shelby and Moultrie Counties

Ramsey Lake, Ramsey Lake State Park, Fayette County

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Sangchris Lake, Sangchris Lake State Park, Sangamon and Christian Counties

Sangchris Lake, Sangchris Lake State Park, Sangamon and Christian Counties

- ii) All crappie taken from the following waters must be 10 inches in total length or longer:

- iv) The daily catch limit is 10 crappie in the following waters:

Carlyle Lake (including its tributary streams and those portions of the Kaskaskia River and Hurricane Creek up to the U.S. Army Corps of Engineers Carlyle Lake project boundaries) U.S. Army Corps of Engineers, Bond, Clinton and Fayette Counties

Beaver Dam Lake, Beaver Dam State Park, Macoupin County

Carlyle Lake (including its tributary streams and those portions of the Kaskaskia River and Hurricane Creek up to the U.S. Army Corps of Engineers Carlyle Lake project boundaries) U.S. Army Corps of Engineers, Bond, Clinton and Fayette Counties

Newton Lake, Newton Lake State Fish and Wildlife Area, Jasper County

- iii) The daily catch limit is 25 crappie in the following waters:

Coffeeen Lake, Coffeeen Lake State Fish and Wildlife Area, Montgomery County

Baldwin Lake, Baldwin Lake Conservation Area, Randolph and St. Clair Counties

Lake Kakusha, City of Mendota, LaSalle County

Clinton Lake, Clinton Lake State Recreation Area, DeWitt County

Mazonia-Braidwood State Fish and Wildlife Area Lakes and Ponds, Mazonia-Braidwood State Fish and Wildlife Area, Grundy and Will Counties

East Fork Lake, City of Olney, Richland County

Governor Bond Lake, City of Greenville, Bond County

Newton Lake, Newton Lake State Fish and Wildlife Area, Jasper County

Lake Jacksonville, City of Jacksonville, Morgan County

Ramsey Lake, Ramsey Lake State Park, Fayette County

Lake Shelbyville (including its tributary streams and those portions of the West Okaw and Kaskaskia Rivers up to Lake Shelbyville Project boundaries), Lake Shelbyville Project Ponds and Woods Lake, U.S. Army Corps of Engineers, Shelby and Moultrie

Shabbona Lake, Shabbona Lake State Park, DeKalb County

- v) The daily catch limit is 5 crappie in the following waters:

Lake Carlton, Morrison-Rockwood State Park, Whiteside County

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Lake Le-Aqua-Na, Lake Le-Aqua-Na
State Park, Stephenson County

Pierce Lake, Rock Cut State Park,
Winnebago County

Snake Den Hollow Lakes, Snake Den
Hollow State Fish and Wildlife
Area, Knox County

5) BLUEGILL AND REDEAR SUNFISH

A) Statewide Regulations.

There are no catch or size limits except
in those waters listed under Site
Specific Regulations.

B) Site Specific Regulations.

- i) Daily catch limit is 25 bluegill
and redear sunfish either singly
or in the aggregate, in the
following waters:

Beaver Dam Lake, Beaver Dam State
Park, Macoupin County

Lake Mingo and Ponds at Kennekuk
Cove Park, Vermillion County
Conservation District, Vermillion
County

Lake Murphysboro, Lake Murphysboro
State Park, Jackson County

Lake Storey, City of Galesburg,
Knox County

Middle Fork Forest Preserve Ponds,
Champaign County Forest Preserve,
Champaign County

- ii) Daily catch limit is 10 bluegill
and redear sunfish, either singly
or in the aggregate, in the
following waters:

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Citizen's Lakes (North and South),
City of Monmouth, Warren County

Gale Lake, Village of East
Galesburg, Knox County

Gladstone Lake, Henderson County
Conservation Area, Henderson County

Lake Kakusha, City of Mendota,
LaSalle County

Lake Le-Aqua-Na, Lake Le-Aqua-Na
State Park, Stephenson County

Little Sister Lake, County of
Fulton, Fulton County

Shabbona Lake, Shabbona Lake State
Park, DeKalb County

- iii) Daily catch limit is 5 bluegill and
redear sunfish, either singly or
in the aggregate, in the following
waters:

Pierce Lake, Rock Cut State Park,
Winnebago County

Snake Den Hollow Lakes, Snake Den
Hollow State Fish and Wildlife
Area, Knox County

6) STRIPED BASS (OCEAN ROCKFISH), WHITE BASS AND
HYBRIDS

A) Statewide Regulations.

There is no daily catch limit or minimum
size limit for striped bass (ocean
rockfish), white bass, and their hybrids
which are less than 17 inches in total
length, except in those waters listed
under Site Specific Regulations. For
these fish 17 inches in total length or
longer, the daily limit is 3 fish, either
singly or in the aggregate.

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B) Site Specific Regulations.

- i) All striped bass (ocean rockfish), white bass and their hybrids taken in the following waters must be 17 inches in total length or longer and the daily catch limit is 3 fish, either singly or in the aggregate:

Baldwin Lake, Baldwin Lake Conservation Area, Randolph and St. Clair Counties

Cedar Lake, U.S. Forest Service and City of Carbondale, Jackson County

Charleston Side Channel Lake, City of Charleston, Coles County

Clinton Lake, Clinton Lake State Recreation Area, DeWitt County

Crab Orchard Lake, Crab Orchard Refuge, U.S. Fish and Wildlife Service, Williamson County

Forbes Lake, Stephen A. Forbes State Park, Marion County

Glen Shoals Lake, City of Hillsboro, Montgomery County

Governor Bond Lake, City of Greenville, Bond County

Lake Bloomington, City of Bloomington, McLean County

Lake Vandalia, City of Vandalia, Fayette County

Mazonia-Braidwood State Fish and Wildlife Area Lakes and Ponds, Mazonia-Braidwood State Fish and Wildlife Area, Grundy and Will Counties

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Otter Lake, Otter Lake Water Commission, Macoupin County

Pittsfield City Lake, City of Pittsfield Pike County

Spring Lake, City of Macomb, McDonough County

Washington County Lake, Washington County Conservation Area, Washington County

- ii) No more than 10 striped bass (ocean rockfish) white bass and their hybrids, either singly or in the aggregate, may be taken per day with no more than 3 fish measuring 17 inches or greater in length:

Heidecke Lake State Fish and Wildlife Area, Grundy County

LaSalle Lake, LaSalle Fish and Wildlife Area, LaSalle County

Powerton Lake, Powerton Lake State Fish and Wildlife Area, Tazewell County

7) TROUT AND SALMON

A) Statewide Regulations.

Daily catch limit is 5 trout or salmon, either singly or in the aggregate, not more than 3 of which may be lake trout.

B) Site Specific Regulations.

- i) All trout and salmon taken in Lake Michigan must be 10 inches in total length or longer.

- ii) All trout taken in Piscasaw Creek, McHenry County, must be 9" or longer in total length.

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- iii) The Department of Conservation will publicly announce in advance those areas that will be stocked during each spring and fall season.
- iv) It shall be illegal to possess trout during the period of March 15 to 5 a.m. on the first Saturday in April (both dates inclusive) which were taken during that period from the following waters:
- Agricultural Center Pond, Dixon Springs Ag. Center, Pope County
- Apple River, Jo Daviess County
- Atwood Lake, McHenry County Conservation District, McHenry County
- Big Lake, Silver Springs State Park, Kendall County
- Bird Park Quarry, City of Kankakee, Kankakee County
- Boston Pond, Stephen A. Forbes State Park, Marion County
- Campus Pond, Eastern Illinois University, Coles County
- Cave-in-Rock Pond, Cave-in-Rock State Park, Hardin County
- Clear Lake, Kickapoo State Park, Vermillion County
- Coleta Trout Pond, State of Illinois, Whiteside County
- Ferne Clyffe Lake, Ferne Clyffe State Park, Johnson County
- Forest Park Lagoon, City of Shelbyville, Shelby County

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Frank Holten Main Lake, Frank Holten State Park, St. Clair County

Game Farm Pond, Mt. Vernon Game Farm, Jefferson County

Gebhard Woods Ponds, Gebhard Woods State Park, Grundy County

Hennepin Canal, Hennepin Canal Parkway State Park, Bureau County

Illinois Department of Transportation Lake, Sangamon County

Jones Park Lake, City of East St. Louis, St. Clair County

Jones State Lake Pond, Saline County Conservation Area, Saline County

Kent Creek, Winnebago County

Lake Milliken, Des Plaines Conservation Area, Will County

Lake of the Woods and Elk's Pond, Champaign County Forest Preserve District, Champaign County

Miller Park Lake, City of Bloomington, McLean County

Pine Creek, Ogle County

Piscasaw Creek, McHenry County

Rock Creek, Kankakee County

Rock Springs Pond, Macon Co. Conservation District, Macon County

Sam Dale Pond, Sam Dale Conservation Area, Wayne County

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Sand Lake, Illinois Beach State Park, Lake County

Siloam Springs Lake, Siloam Springs State Park, Adams County

Silver Lake, Forest Preserve District of DuPage County, DuPage County

Waddams Creek, Stephenson County

Washington Park Pond, Springfield Park District, Sangamon County

Wyman Lake, City of Sullivan, Moultrie County

Yellow Creek, Stephenson County

- v) It shall be illegal to possess trout during the period of October 1 to 5 a.m. on the third Saturday in October (both dates inclusive) which were taken during that period from the following waters:

Agricultural Center Pond, Dixon Springs Ag. Center, Pope County

Argyle Lake, Argyle Lake State Park, McDonough County

Axehead Lake, Cook County Forest Preserve, Cook County

Banana Lake, Lake County Forest Preserve District, Lake County

Beall Woods Lake, Beall Woods State Park, Wabash County

Beaver Dam Lake, Beaver Dam State Park, Macoupin County

Belleau Lake, Cook County Forest Preserve, Cook County

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Big Lake, Silver Springs State Park, Kendall County

Bird Park Quarry, City of Kankakee, Kankakee County

Boston Pond, Stephen A. Forbes State Park, Marion County

Campus Pond, Eastern Illinois University, Coles County

Canton Park District Trout Pond, Canton Park District, Fulton County

Cave-in-Rock Pond, Cave-in-Rock State Park, Hardin County

Citizen's Lakes-North, City of Monmouth, Warren County

Clear Lake, Kickapoo State Park, Vermilion County

Coleta Trout Pond, State of Illinois, Whiteside County

Faries Park Pond, City of Decatur, Macon County

Ferne Clyffe Lake, Ferne Clyffe State Park, Johnson County

Forest Park Lagoon, City of Shelbyville, Shelby County

Frank Holten Main Lake, Frank Holten State Park, St. Clair County

Game Farm Pond, Mt. Vernon Game Farm, Jefferson County

Greenville Old City Lake, Greenville Park District, Bond County

Hennepin Canal, Hennepin Canal Parkway State Park, Bureau County

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Highland Old City Lake, City of
Highland, Madison County

Illinois Department of
Transportation Lake, Sangamon
County

Jones Park Lake, City of East St.
Louis, St. Clair County

Jones State Lake Pond, Saline
County Conservation Area, Saline
County

Mineral Springs Park Lagoon, City
of Pekin, Tazewell County

Picnic Pond, Crawford County
Conservation Area, Crawford County

Prospect Pond, City of Moline, Rock
Island County

Randolph County Lake, Randolph
County State Park, Randolph County

Sag Quarry (East), Cook County
Forest Preserve, Cook County

Sam Dale Pond, Sam Dale
Conservation Area, Wayne County

Siloam Springs Lake, Siloam Springs
State Park, Adams County

Villa Grove West Lake, City of
Villa Grove, Douglas County

Washington Park Pond, Springfield
Park District, Sangamon County

8) WALLEYE AND SAUGER

A) Statewide Regulations.

Daily catch limit is 6 walleye or sauger,
either singly or in the aggregate, except

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in those waters listed under Site
Specific Regulations. There is no size
limit except in those waters listed under
Site Specific Regulations.

B) Site Specific Regulations.

i) All walleye and sauger taken must
be 14 inches in total length or
longer in the following waters:

Banner Marsh Lakes (Johnson and
Shovel), Banner Marsh State Fish
and Wildlife Area, Peoria and
Fulton Counties

Carlyle Lake, (including its
tributary streams and those
portions of the Kaskaskia River and
Hurricane Creek up to the U.S. Army
Corps of Engineers Carlyle Lake
Project boundaries) U.S. Army Corps
of Engineers, Bond, Clinton, and
Fayette Counties

Cedar Lake, U.S. Forest Service and
City of Carbondale, Jackson County

Clinton Lake, Clinton Lake State
Recreation Area, DeWitt County

Dolan Lake, Hamilton County
Conservation Area, Hamilton County

East Fork Lake, City of Olney,
Richland County

Fox Ridge Lake, Fox Ridge State
Park, Coles County

Heidecke Lake State Fish and
Wildlife Area, Grundy County

Hennepin Canal, Hennepin Canal
State Park, Rock Island, Henry,
Bureau and Whiteside Counties

Kaskaskia River and all

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tributaries, Champaign, Douglas, Coles, Moultrie, Shelby, Fayette, Bond, Clinton, Washington, St. Clair, Monroe and Randolph Counties

Kincaid Lake, Kincaid Lake Fish and Wildlife Area, Jackson County

Lake Bloomington, City of Bloomington, McLean County

Lake Carlton, Morrison-Rockwood State Park, Whiteside County

Lake Decatur, City of Decatur, Macon County

Lake George, Loud Thunder Forest Preserve, Rock Island Forest Preserve District, Rock Island County

Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park, Stephenson County

Lake Mingo, Vermilion County Conservation District, Vermilion County

Lake Sara, City of Effingham, Effingham County

Lake Shelbyville, U. S. Army Corps of Engineers, Moultrie and Shelby Counties

Lake Springfield, City of Springfield, Sangamon County

Lake Vermilion and the portion of the North Fork of the Vermillion River between the Lake Vermillion Dam and the Interstate Water Company's Pump Station Spillway, Vermillion County Conservation District, Vermillion County

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Mazonia-Braidwood State Fish and Wildlife Area Lakes and Ponds, Mazonia-Braidwood State Fish and Wildlife Area, Grundy and Will Counties

Mill Creek Lake, Clark County Park District, Clark County

Newton Lake, Newton Lake State Fish and Wildlife Area, Jasper County

Pierce Lake, Rock Cut State Park, Winnebago County

Pittsfield City Lake, City of Pittsfield, Pike County

Randolph County Lake, Randolph County Conservation Area, Randolph County

Schy-Rush Lake, City of Rushville, Schuyler County

Shabbona Lake, Shabbona Lake State Park, DeKalb County

Snake Den Hollow Lakes, Snake Den Hollow State Fish and Wildlife Area, Knox County

Sterling Lake, Lake County Forest Preserve District, Lake County

Wolf Lake, William W. Powers Conservation Area, Cook County

ii) All walleye and sauger taken must be 16 inches in total length or longer in the following waters:

Busse Lake, Cook County Forest Preserve, Cook County

Tampier Lake, Cook County Forest Preserve, Cook County

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Fox Chain O'Lakes, including the Fox River South of the Illinois Wisconsin line to the McHenry Dam, State of Illinois, Lake and McHenry Counties

- iii) All walleye and sauger taken must be 22 inches in total length or longer in the following waters:

Powerton Lake, Tazewell County

- iv) Daily catch limit shall not exceed 10 walleye or sauger, either singly or in the aggregate, in the following waters:

That portion of the Mississippi River that lies between the State of Illinois and Iowa (River Miles 361.4 to 580.7).

- v) Daily catch limit shall not exceed 8 walleye or sauger, either singly or in the aggregate, in the following waters:

That portion of the Mississippi River that lies between the States of Illinois and Missouri (River Miles 0.0 to 361.4).

- vi) Daily catch limit shall not exceed 1 walleye or sauger, either singly or in the aggregate, in the following waters:

Powerton Lake, Tazewell County

(Source: Amended at 14 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: County Jail Standards
- 2) Code Citation: 20 Ill. Adm. Code 701
- 3) Section Numbers: 701.70 Amend
701.270 Amend
Proposed Action:
- 4) Statutory Authority: Implementing and authorized by Section 3-15-2 of the Unified Code of Corrections (Ill. Stat. 1987, ch. 38, par. 1003-15-2).
- 5) A Complete Description of the Subjects and Issues Involved: Section 701.70(b) is being reorganized for clarification and provisions for direct supervision options in regard to separation of inmates are being corrected consistent with Ill. Rev. Stat. 1987, ch. 75, par. 111. Separation by sex, witnesses, sentenced offenders, homosexuals, and mentally or emotionally disturbed inmates cannot be waived for the direct supervision option.
Section 701.270 is being amended consistent with Public Act 86-1003, effective January 1, 1990. Minors are required to undergo periodic, not continuous, supervision. Periodic supervision is defined as personal observation at least once every 15 minutes.
- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? Yes
X No
- 8) Does this proposed rule (amendment, repealer) contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand State mandates on small municipalities. It merely reflects current statutory requirements on counties.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

William H. Craine, Ph.D., Deputy Director
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277

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Springfield, Illinois 62794-9277

All written comments received within 45 days of the date of the publication will be considered.

- 12) Initial Regulatory Flexibility Analysis: Not required; this rulemaking does not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

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DEPARTMENT OF CORRECTIONS

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT

CHAPTER I: DEPARTMENT OF CORRECTIONS

SUBCHAPTER f: COUNTY STANDARDS

PART 701

COUNTY JAIL STANDARDS

Section	
701.5	Definitions
701.10	Administration, Minimum Standards
701.20	Personnel
701.30	Records
701.40	Admission Procedures
701.50	Orientation
701.60	Release Procedures
701.70	Classification, Separation, Segregation
701.80	Housing
701.90	Medical and Health Care
701.100	Clothing, Personal Hygiene, Grooming
701.110	Food Services
701.120	Sanitation
701.130	Supervision
701.140	Security
701.150	Safety
701.160	Discipline
701.170	Employment of Detainees
701.180	Mail Procedures
701.190	Telephone
701.200	Visiting
701.210	Social Service Programs
701.220	Education
701.230	Library
701.240	Religious Services
701.250	Commissary
701.260	Recreation and Leisure Time
701.270	Juvenile Detention

AUTHORITY: Implementing and authorized by Section 3-15-2 of the Unified Code of Corrections (Ill. Rev. Stat. 1987, ch. 38, par. 1003-15-2).

SOURCE: Emergency rule adopted November 7, 1974; amended at 4 Ill. Reg. 28, p. 186, effective July 1, 1980; codified at 8 Ill. Reg. 14408; amended at 12 Ill. Reg. 12274, effective October 1, 1988; amended at 13 Ill. Reg. 16739, November 1, 1989; amended at 14 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

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Section 701.70 Classification, Separation, Segregation

a) Introduction

1) Minimum segregation is required by law. Jail administrators are responsible for the safekeeping of many different types of persons in a wide range of categories, (i.e., legal, mental, and physical, and separating them for administrative purposes).

2) A good classification program is contingent upon obtaining essential information on which to base an appraisal which will help reduce many security problems and provide safety for staff and detainees. Proper decisions avoid the often dangerous consequence of indiscriminate housing. Classification can be uncomplicated or it can be a very complex process depending upon the size of the jail, physical facilities, and staff. Four fundamental conditions must be met:

- A) Security of the jail;
- B) Safety and welfare of the detainees;
- C) Protection of the staff and community; and
- D) Effective use of the jail to fulfill its potential as an instrument of correction and behavior modification for those confined.

b) Minimum Standards

1) Classification Information

Each facility shall have a classification plan that specifies criteria and procedures for determining and changing the status of an inmate. To determine each detainee's degree of security, housing and programs, the following items of information, to the extent available, shall be considered among other matters:

- A) Sex.
- B) Age.
- C) Offense.
- D) Pretrial, awaiting sentence, sentenced.

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E) Past criminal history, including known prior institutional history.

F) Probation/parole status.

G) Medical condition and treatment needs.

H) Mental/emotional condition and needs.

I) Mental health problems.

J) Homosexuality.

K) Academic and vocational needs.

L) Special services and program needs.

M) Detainee's attitudes regarding himself and his future.

N) Gang activity.

2)--Separation by Sex

Female detainees shall be confined in an area separated from physical and visual contact with male detainees.

3 2) Separation by Category

A) Separation by Sex

Female detainees shall be confined in an area separated from physical and visual contact with male detainees.

A B) Witnesses

Persons being detained as witnesses shall be separated from detainees charged with an offense.

B C) Non-criminal

Non-criminal offenders such as traffic violators, nonsupport cases, and persons charged with civil contempt shall be kept separated from persons charged with criminal offenses.

AGENCY NOTE: Separate housing is strongly recommended for misdemeanants and felons, except where

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the prior history (see subsection (b)(1)(e)) warrants similar housing.

E D) Sentenced Offender

Sentenced offenders shall be segregated from unsentenced offenders.

B E) Homosexuals

Known homosexuals shall be housed separately.

E E) Mentally or Emotionally Disturbed or Retarded

i) The mentally or emotionally disturbed or retarded shall be housed or tiered separately and maintained under constant supervision.

ii) Suspected disturbed or retarded persons shall be immediately examined by a physician, or other competent person, and action taken to transfer them to an appropriate facility.

F)---Classification Review

Review of the committed person's classification shall be conducted periodically, but at least every 60 days:

4 3) Direct Supervision Option

Where jail design and policies and procedures of jail management meet the requirement of direct staff supervision of inmates within housing areas, classification and prisoner housing assignments may alternatively be based upon prisoner behavior, rather than mandatory separation by classification category, with the following stipulations:

A) Jail staffing must provide for a correctional officer within each housing area on a twenty-four hour basis. This correctional officer shall be in direct visual and oral contact with prisoners, without separation by security walls or other barriers.

B) Exercise of this option does not waive the requirements of subsection (b)(1) which require a classification plan taking into account its designated considerations.

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C) Exercise of this option does not waive the any requirements of subsection (b)(2), Separation by Sex; and under subsection (b)(3); Separation by Category, except the requirements of subsections (A); (B) and (E) subsection (C).

4) Classification Review

Review of the committed person's classification shall be conducted periodically, but at least every 60 days.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 701.270 Juvenile Detention

a) Introduction

Sections 5-3 and 5-7 of the Juvenile Court Act of 1987 (Ill. Rev. Stat. 1987 and 1988 Supp., and as amended by Public Act 86-1003, effective January 1, 1990, ch. 37, pars. 805-3 and 805-7) state:

1) "DELINQUENT MINOR" MEANS ANY MINOR WHO PRIOR TO HIS 17TH BIRTHDAY HAS VIOLATED OR ATTEMPTED TO VIOLATE, REGARDLESS OF WHERE THE ACT OCCURRED, ANY FEDERAL OR STATE LAW OR MUNICIPAL ORDINANCE.

2) "DETENTION" MEANS THE TEMPORARY CARE OF A MINOR ALLEGED OR ADJUDICATED AS A PERSON DESCRIBED IN SUBSECTION (a)(1) OF THIS SECTION WHO REQUIRES SECURE CUSTODY FOR HIS OR HER OWN OR THE COMMUNITY'S PROTECTION IN A FACILITY DESIGNED TO PHYSICALLY RESTRICT HIS OR HER MOVEMENTS, PENDING DISPOSITION BY THE COURT FOR PLACEMENT OR COMMITMENT. DESIGN FEATURES WHICH PHYSICALLY RESTRICT MOVEMENT INCLUDE, BUT ARE NOT LIMITED TO, LOCKED ROOMS AND THE SECURE HANDCUFFING OF A MINOR TO A RAIL OR OTHER STATIONARY OBJECT.

3) "JUVENILE DETENTION HOME" MEANS A PUBLIC FACILITY WITH SPECIALLY TRAINED STAFF THAT CONFORMS TO THE COUNTY JUVENILE DETENTION STANDARDS (20 Ill. Adm. Code 702).

4) NO MINOR SHALL BE DETAINED IN A COUNTY JAIL OR MUNICIPAL LOCKUP FOR MORE THAN SIX HOURS.

A) THE PERIOD OF DETENTION IS DEEMED TO HAVE BEGUN ONCE THE MINOR HAS BEEN PLACED IN A

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LOCKED ROOM OR CELL OR HANDCUFFED TO A STATIONARY OBJECT IN A BUILDING HOUSING A COUNTY JAIL OR MUNICIPAL LOCKUP. TIME SPENT TRANSPORTING A MINOR IS NOT CONSIDERED TO BE TIME IN DETENTION OR SECURE CUSTODY.

B) ANY MINOR SO CONFINED SHALL BE UNDER CONTINUOUS PERIODIC SUPERVISION AND SHALL NOT BE PERMITTED TO COME INTO OR REMAIN IN CONTACT WITH ADULTS IN CUSTODY IN THE BUILDING.

C) UPON PLACEMENT IN SECURE CUSTODY IN A JAIL OR LOCKUP, THE MINOR SHALL BE INFORMED OF THE PURPOSE OF THE DETENTION, THE TIME IT IS EXPECTED TO LAST AND THE FACT THAT IT CANNOT EXCEED SIX HOURS.

D) A LOG SHALL BE KEPT THAT SHOWS THE OFFENSE WHICH IS THE BASIS FOR THE DETENTION, THE REASONS AND CIRCUMSTANCES FOR THE DECISION TO DETAIN AND THE LENGTH OF TIME THE MINOR WAS IN DETENTION.

E) VIOLATION OF THE 6-HOUR TIME LIMIT ON DETENTION IN A COUNTY JAIL OR MUNICIPAL LOCKUP SHALL NOT, IN AND OF ITSELF, RENDER INADMISSIBLE EVIDENCE OBTAINED AS A RESULT OF THE VIOLATION OF THIS 6-HOUR TIME LIMIT.

F) NO MINOR UNDER 16 YEARS OF AGE MAY BE CONFINED IN A JAIL OR PLACE ORDINARILY USED FOR THE CONFINEMENT OF PRISONERS IN A POLICE STATION. MINORS UNDER 17 YEARS OF AGE SHALL BE KEPT SEPARATE FROM CONFINED ADULTS AND MAY NOT AT ANY TIME BE KEPT IN THE SAME CELL, ROOM OR YARD WITH ADULTS CONFINED PURSUANT TO CRIMINAL LAW.

b) Minimum Standards

The following standards for juvenile detention provide added requirements, restrictions, or emphasis.

1) Notification of Detention

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A parent, legal guardian, or person with whom the minor resides shall be notified of the minor's detention if the law enforcement officer has been unable to do so.

2) Records

A) Records of all minors under 17 years of age must be maintained separate from the records of adult arrests. Names of juveniles shall not be recorded in the same ledgers, jail registrars, monthly population reports or other records that are subject to public review.

B) Records shall not be open to public inspection or their contents disclosed to the public, except by order of the court or when the institution of criminal proceedings has been permitted or the person has been convicted of a crime and is the subject of pre-sentence investigation or proceedings on an application for probation.

3) Supervision

A) Detainees shall, under the following conditions, be provided with supervision by a person of the same sex:

i) When following established procedures which require physical contact or examination such as body searches.

ii) During periods of personal hygiene activities and care such as showers, toileting, and related activities.

B) This subsection does not prohibit the use of necessary force by a staff member of a sex other than that of a detainee.

C) A periodic visual check of juveniles confined shall be made by personal observation, not including observation by a monitoring device. Periodic is defined to be a minimum of at least once every 15 minutes.

D) Visual checks shall be recorded by a mechanical device or logged in ink indicating:

i) Time of check;

ii) Signature of responsible person; and

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iii) Any relevant remarks.

- 4) Cell or Detention Room Occupancy
Cells or detention rooms must include access to:
- A) Toilet facilities;
 - B) A washbowl; and
 - C) Drinking water, in the form of drinking cups or a drinking fountain.
- 5) Meals
Detainees shall be provided with meals when they are detained during the facility's normal meal periods.
- 6) Child Abuse
Any evidence of child abuse shall be reported to the Illinois Department of Children and Family Services.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Municipal Jail and Lockup Standards
- 2) Code Citation: 20 Ill. Adm. Code 720
- 3) Section Numbers: 720.150
Proposed Action: Amend
- 4) Statutory Authority: Implementing and authorized by Section 3-15-2 of the Unified Code of Corrections (Ill. Rev. Stat. 1987, ch. 38, par. 1003-15-2).
- 5) A Complete Description of the Subjects and Issues Involved: This rule is being amended consistent with Public Act 86-1003. Minors are now required to undergo periodic, not continuous, supervision. This requires personal observation of the minor at least every 15 minutes. Mechanical devices may not be used for this purpose.
- 6) Will this proposed rule replace an emergency rule currently in effect?
No.
- 7) Does this rulemaking contain an automatic repeal date? Yes
X No
- 8) Does this proposed rule (amendment, repealer) contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking, while applicable to all municipal jails and lockups within the State of Illinois, does not create or expand any State Mandates. It merely reflects current statutory requirements.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

William H. Craine, Ph.D., Deputy Director
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
- All written comments received within 45 days of the date of the publication will be considered.
- 12) Initial Regulatory Flexibility Analysis: Not required; this rulemaking does not affect small businesses.

DEPARTMENT OF CORRECTIONS
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The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF CORRECTIONS
NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER g: MUNICIPAL STANDARDS

PART 720
MUNICIPAL JAIL AND LOCKUP STANDARDS

Section

720.5	Definitions
720.10	Legal Authority to Set up Standards and Exercise Supervision over Jail and Lockups
720.20	Legal Rights of Accused While in Custody
720.30	Use of Jails/Lockups
720.40	Minimum Physical Standards--Existing Buildings
720.50	Minimum Cell and Detention Room Standards--Existing Facilities
720.60	Supervision
720.70	Security
720.80	Food
720.90	Sanitation
720.100	Fire Protection
720.110	Emergency Plan
720.120	Detainee Records
720.130	Reports to the Detention Standards and Services Unit
720.140	Use of Force
720.150	Juvenile Detention
720.160	New Construction

AUTHORITY: Implementing and authorized by Section 3-15-2 of the Unified Code of Corrections (Ill. Rev. Stat. 1987, ch. 38, par. 1003-15-2).

SOURCE: Amended November 4, 1977; emergency rule at 3 Ill. Reg. 8, p. 1, effective February 14, 1979, for a maximum of 150 days; amended at 4 Ill. Reg. 28, p. 311, effective July 1, 1980; codified at 8 Ill. Reg. 14415; amended at 12 Ill. Reg. 12452, effective October 1, 1988; amended at 13 Ill. Reg. 16750, effective November 1, 1989; amended at 14 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

Section 720.150 Juvenile Detention

a) Introduction

Sections 5-3 and 5-7 of the Juvenile Court Act of 1987 (Ill. Rev. Stat. 1987 and 1988 Supp., and as amended by Public Act 86-1003, effective January 1, 1990, ch. 37, pars. 805-3 and 805-7) state:

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- 1) "DELINQUENT MINOR" MEANS ANY MINOR WHO PRIOR TO HIS 17TH BIRTHDAY HAS VIOLATED OR ATTEMPTED TO VIOLATE, REGARDLESS OF WHERE THE ACT OCCURRED, ANY FEDERAL OR STATE LAW OR MUNICIPAL ORDINANCE.
- 2) "DETENTION" MEANS THE TEMPORARY CARE OF A MINOR ALLEGED OR ADJUDICATED AS A PERSON DESCRIBED IN SUBSECTION (a)(1) OF THIS SECTION WHO REQUIRES SECURE CUSTODY FOR HIS OR HER OWN OR THE COMMUNITY'S PROTECTION IN A FACILITY DESIGNED TO PHYSICALLY RESTRICT HIS OR HER MOVEMENTS, PENDING DISPOSITION BY THE COURT FOR PLACEMENT OR COMMITMENT. DESIGN FEATURES WHICH PHYSICALLY RESTRICT MOVEMENT INCLUDE, BUT ARE NOT LIMITED TO, LOCKED ROOMS AND THE SECURE HANDCUFFING OF A MINOR TO A RAIL OR OTHER STATIONARY OBJECT.
- 3) "JUVENILE DETENTION HOME" MEANS A PUBLIC FACILITY WITH SPECIALLY TRAINED STAFF THAT CONFORMS TO THE COUNTY JUVENILE DETENTION STANDARDS (20 Ill. Adm. Code 702).
- 4) NO MINOR SHALL BE DETAINED IN A COUNTY JAIL OR MUNICIPAL LOCKUP FOR MORE THAN SIX HOURS.
 - A) THE PERIOD OF DETENTION IS DEEMED TO HAVE BEGUN ONCE THE MINOR HAS BEEN PLACED IN A LOCKED ROOM OR CELL OR HANDCUFFED TO A STATIONARY OBJECT IN A BUILDING HOUSING A COUNTY JAIL OR MUNICIPAL LOCKUP. TIME SPENT TRANSPORTING A MINOR IS NOT CONSIDERED TO BE TIME IN DETENTION OR SECURE CUSTODY.
 - B) ANY MINOR SO CONFINED SHALL BE UNDER CONTINUOUS PERIODIC SUPERVISION AND SHALL NOT BE PERMITTED TO COME INTO OR REMAIN IN CONTACT WITH ADULTS IN CUSTODY IN THE BUILDING.
 - C) UPON PLACEMENT IN SECURE CUSTODY IN A JAIL OR LOCKUP, THE MINOR SHALL BE INFORMED OF THE PURPOSE OF THE DETENTION, THE TIME IT IS EXPECTED TO LAST AND THE FACT THAT IT CANNOT EXCEED SIX HOURS.
 - D) A LOG SHALL BE KEPT THAT SHOWS THE OFFENSE WHICH IS THE BASIS FOR THE DETENTION, THE REASONS AND CIRCUMSTANCES FOR THE DECISION TO

DETAIN AND THE LENGTH OF TIME THE MINOR WAS IN DETENTION.

E) VIOLATION OF THE 6-HOUR TIME LIMIT ON DETENTION IN A COUNTY JAIL OR MUNICIPAL LOCKUP SHALL NOT, IN AND OF ITSELF, RENDER INADMISSIBLE EVIDENCE OBTAINED AS A RESULT OF THE VIOLATION OF THIS 6-HOUR TIME LIMIT.

F) NO MINOR UNDER 16 YEARS OF AGE MAY BE CONFINED IN A JAIL OR PLACE ORDINARILY USED FOR THE CONFINEMENT OF PRISONERS IN A POLICE STATION. MINORS UNDER 17 YEARS OF AGE SHALL BE KEPT SEPARATE FROM CONFINED ADULTS AND MAY NOT AT ANY TIME BE KEPT IN THE SAME CELL, ROOM OR YARD WITH ADULTS CONFINED PURSUANT TO CRIMINAL LAW.

b) Minimum Standards

The following standards for juvenile detention provide added requirements, restrictions, or emphasis.

1) Notification of Detention

A parent, legal guardian, or person with whom the minor resides shall be notified of the minor's detention if the law enforcement officer has been unable to do so.

2) Records

A) Records of all minors under 17 years of age must be maintained separate from the records of adult arrests. Names of juveniles shall not be recorded in the same ledgers, jail registrars, monthly population reports or other records that are subject to public review.

B) Records shall not be open to public inspection or their contents disclosed to the public, except by order of the court or when the institution of criminal proceedings has been permitted or the person has been convicted of a crime and is the subject of pre-sentence investigation or proceedings on an application for probation.

3) Supervision

A) Detainees shall, under the following conditions, be provided with supervision by a person of the same sex:

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1) The Heading of the Part: Effluent Standards

2) Code Citation: 35 Ill. Adm. Code 304

3) Section Number: 304.211
Proposed Action: Add

4) Statutory Authority: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111, pars. 1013 and 1027).

5) A Complete Description of the Subjects and Issues Involved:

This matter comes to the Board on a petition for site-specific rulemaking filed March 31, 1986. The original petition was filed by Borden Chemical Company, but the petitioner's name was subsequently changed to Borden Chemicals and Plastics Operating Limited Partnership.

The present petition relates to Borden's Illiopolis, Illinois plant, which produces polyvinyl chloride resins, polyvinyl acetate emulsions, and polyvinyl chloride plastic film. The plant presently employs approximately 300 people.

The wastewater effluent from Borden's plant contains elevated levels of total dissolved solids ("TDS") and chloride. This is largely due to wastewater from the air pollution control equipment which Borden installed to comply with the National Emission Standards for Hazardous Air Pollutants ("NESHAPS") promulgated for vinyl chloride pursuant to Section 301(a) of the Clean Air Act. The plant discharges approximately 800,000 gallons of effluent a day into an unnamed tributary, which drains into Long Point Slough, which flows into the west branch of the Old River, and then to Sangamon River. The maximum TDS concentration may be as high as 2500 mg/l; the average is usually below 1200 mg/l. The average chloride concentration is usually less than 700 mg/l. These concentrations do not violate any technology-based effluent limitations, but the discharge may cause water quality violations for TDS and chlorides in the receiving waters.

The primary regulation affecting this proceeding is 35 Ill. Adm. Code 302.208. That regulation provides that concentrations of TDS in the waters, under consideration

i) When following established procedures which require physical contact or examination such as body searches.

ii) During periods of personal hygiene activities and care such as showers, toileting, and related activities.

B) This standard does not prohibit the use of necessary force by a staff member of a sex other than that of a detainee.

C) A periodic visual check of juveniles confined shall be made by personal observation, not including observation by a monitoring device. Periodic is defined to be a minimum of at least once every 15 minutes.

D) Visual checks shall be recorded by a mechanical device or logged in ink indicating:

i) Time of check;

ii) Signature of responsible person; and

iii) Any relevant remarks.

4) Cell or Detention Room Occupancy

Cells or detention rooms must include access to:

A) Toilet facilities;

B) A washbowl; and

C) Drinking water, in the form of drinking cups or a drinking fountain.

5) Meals

Detainees shall be provided with meals when they are detained during the facility's normal meal periods.

6) Child Abuse

Any evidence of child abuse shall be reported to the Illinois Department of Children and Family Services.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

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here, shall not exceed 1000 mg/l and concentrations of chloride shall not exceed 500 mg/l. The other regulatory provision of concern is 35 Ill. Adm. Code 304.105 which provides that no effluent shall, alone or in combination with other sources, cause a violation of any applicable water quality standard. Data supplied by Borden show violations of both TDS and chloride water quality standards in the unnamed tributary downstream of Borden's discharge or in Long Point Slough downstream of the confluence with the unnamed tributary.

The Board has concluded that it is technically feasible, but not economically reasonable for Borden to comply with the existing standards. Therefore, the Board proposes regulatory language to provide site-specific relief to Borden. Borden, the Agency, and the DENR all generally support adoption of amended regulatory language to provide relief to Borden.

The new language will amend Part 304; Subpart B. It will provide that the effluent standards for TDS and chloride shall be established at the daily maximum and monthly averages.

This regulatory proposal is intended to apply from the point of Borden's discharge in the unnamed tributary, downstream to the confluence with the Sangamon River. It is intended to insulate Borden only while the effluent discharges of TDS and chloride in the stretch of water remain within the above limitations. If either of those values is exceeded, Borden would be subject to enforcement, or additional permit controls.

6) Will this proposed rule replace an emergency rule currently in effect? NO.

7) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐

If "yes," please specify the date:

8) Does this proposed amendment contain incorporations by reference? NO.

9) Are there any other amendments pending on this Part? NO.
Section Numbers: Proposed Action: Ill. Reg. Citation:

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10) Statement of Statewide Policy Objective (if applicable)? This regulation only affects Borden Chemicals and Plastics Operating Limited Partnership. The Board believes that local governments are not required by the proposal to establish, expand or modify its activities so as to necessitate additional expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Send written comments concerning R86-14 within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.

12) Initial Regulatory Flexibility Analysis (if applicable):

A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs: May 24, 1990

B) Types of small businesses affected: The Board believes that this regulation only affects Borden Chemicals and Plastics Operating Limited Partnership. The Board is providing notice to small businesses by publication in the Illinois Register and by submission of the proposed amendment to the Business Assistance Office of the Department of Commerce and Community Affairs (DCCA). Small businesses are encouraged to notify the Board of any impact that may result from the adoption of this proposed amendment.

C) Reporting, bookkeeping or other procedures required for compliance: The reporting, bookkeeping or other procedures have not been changed from the existing requirements.

D) Types of professional skills necessary for compliance: This regulation requires no change in the type of professional skills necessary for compliance.

The full text of the adopted amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 304
EFFLUENT STANDARDS

SUBPART A: GENERAL EFFLUENT STANDARDS

Section
304.101
304.102
304.103
304.104
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304.106
304.120
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304.123
304.124
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304.126
304.140
304.141
304.142

Preamble
Dilution
Background Concentrations
Averaging
Violation of Water Quality Standards
Offensive Discharges
Deoxygenating Wastes
Bacteria
Nitrogen (STORET number 00610)
Phosphorus (STORET number 00665)
Additional Contaminants
pH
Mercury
Delays in Upgrading (Repealed)
NPDES Effluent Standards
New Source Performance Standards (Repealed)

SUBPART B: SITE SPECIFIC RULES AND EXCEPTIONS
NOT OF GENERAL APPLICABILITY

Section
304.201
304.202
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304.205
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304.211

Wastewater Treatment Plant Discharges of the
Metropolitan Sanitary District of Greater Chicago
Chlor-alkali Mercury Discharges in St. Clair County
Copper Discharges by Olin Corporation
Schoenberger Creek: Groundwater Discharges
John Deere Foundry Discharges
Alton Water Company Treatment Plant Discharges
Galesburg Sanitary District Deoxygenating Wastes
Discharges
City of Lockport Treatment Plant Discharges
Good River Station Total Suspended Solids Discharges
Alton Wastewater Treatment Plant Discharges
Discharges From Borden Chemicals and Plastics
Operating Limited Partnership Into An Unnamed
Tributary of Long Point Slough
Sanitary District of Decatur Discharges
Union Oil Refinery Ammonia Discharge
Mobil Oil Refinery Ammonia Discharge

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304.215 City of Tuscola Wastewater Treatment Facility
Discharges
304.216 Newton Station Suspended Solids Discharges
304.219 North Shore Sanitary District Phosphorus Discharges
304.220 East St. Louis Treatment Facility, Illinois-American
Water Company
304.221 Ringwood Drive Manufacturing Facility in McHenry
County

SUBPART C: TEMPORARY EFFLUENT STANDARDS

Section
304.301
304.302

Exception for Ammonia Nitrogen Water Quality
Violations
City of Joliet East Side Wastewater Treatment Plant

APPENDIX A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27
of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch.
111 $\frac{1}{2}$, pars. 1013 and 1027).

SOURCE: Filed with the Secretary of State January 1, 1978;
amended at 2 Ill. Reg. 30, p. 343, effective July 27, 1978;
amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978;
amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended
at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 4
Ill. Reg. 20, p. 53, effective May 7, 1980; amended at 6 Ill.
Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg.
7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982;
amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended
at 7 Ill. Reg. 3020, effective March 4, 1983; amended at 7 Ill.
Reg. 8111, effective June 23, 1983; amended at 7 Ill. Reg. 14515,
effective October 14, 1983; amended at 7 Ill. Reg. 14910,
effective November 14, 1983; amended at 8 Ill. Reg. 1600,
effective January 18, 1984; amended at 8 Ill. Reg. 3687,
effective March 14, 1984; amended at 8 Ill. Reg. 8237, effective
June 8, 1984; amended at 9 Ill. Reg. 1379, effective January 21,
1985; amended at 9 Ill. Reg. 4510, effective March 22, 1985;
peremptory amendment at 10 Ill. Reg. 456, effective December 23,
1985; amended at 11 Ill. Reg. 3117, effective January 28, 1987;
amended in R84-13 at 11 Ill. Reg. 7291, effective April 3, 1987;
amended in R86-17(A) at 11 Ill. Reg. 14748, effective August 24,
1987; amended in R84-16 at 12 Ill. Reg. 2445, effective January
15, 1988; amended in R83-23 at 12 Ill. Reg. 8658, effective May
10, 1988; amended in R87-27 at 12 Ill. Reg. 9905, effective May
27, 1988; amended in R82-7 at 12 Ill. Reg. 10712, effective June
9, 1988; amended in R85-29 at 12 Ill. Reg. 12064, effective July

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12, 1988; amended in R87-22 at 12 Ill. Reg. 13966, effective August 23, 1988; amended in R86-3 at 12 Ill. Reg. 20126, effective November 16, 1988; amended in R84-20 at 13 Ill. Reg. 851, effective January 9, 1989; amended in R85-11 at 13 Ill. Reg. 2060, effective February 6, 1989; amended in R88-1 at 13 Ill. Reg. 5976, effective April 18, 1989; amended in R86-17B at 13 Ill. Reg. 7754, effective May 4, 1989; amended in R88-22 at 13 Ill. Reg. 8880, effective May 26, 1989; amended in R87-6 at 14 Ill. Reg. 6777, effective April 24, 1990; as amended in R87-36 at 14 Ill. Reg. 9437, effective May 31, 1990; as amended in R86-14 at ___ Ill. Reg. ___, effective ___.

Section 304.211 Discharges From Borden Chemicals and Plastics Operating Limited Partnership into an Unnamed Tributary of Long Point Slough

The effluent standards for total dissolved solids and chloride discharged from the Illiopollis, Illinois facility of Borden Chemicals and Plastics Operating Limited Partnership into an unnamed tributary of Long Point Slough shall comply with the following effluent limitations as measured at the point of discharge to the unnamed tributary:

Total Dissolved Solids	2,500 mg/l daily maximum 2,200 mg/l monthly average
Chloride	800 mg/l daily maximum 700 mg/l monthly average

(Source: Added at ___ Ill. Reg. ___, effective ___)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

2) Code Citation: 35 Ill. Adm. Code 720

3) Section Numbers: Proposed Action:

720.110 Amendment
720.111 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of May 24, 1990, in R89-10, which opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through March 31, 1990. This rulemaking amends the definition of "Designated facility" and updates the incorporation by reference for "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods."

6) Will this proposed rule replace an emergency rule currently in effect?
No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference?

Yes. Section 720.111 incorporates by reference: rules and regulations of a federal agency; rules, regulations, standards and guidelines of a nationally recognized organization or association; and guidelines and standards of federal agencies. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act does not apply.

9) Are there any other amendments pending on this Part? Yes, in R89-11.

Section Numbers Proposed Action Illinois Register Citation

720.111 Amendment March 2, 1990; 14 Ill. Reg. 3006

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10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the federal Resource Conservation and Recovery Act. (42 U.S.C. 6901 et seq.) The statewide policy objectives are set forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, transportation, treatment, storage or disposal of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R90-10, and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: May 30, 1990B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which generate, transport, treat, store or dispose of hazardous waste.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. Rulemaking updates the references to "Test Methods for evaluating Solid Wastes". This term is used in Part 722 to specify a new rule for manifests for wastes shipped out of state.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant,

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chemist and registered professional engineer.

The full text of the Proposed Amendment begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720

HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section

720.101 Purpose, Scope and Applicability
720.102 Availability of Information; Confidentiality of Information
720.103 Use of Number and Gender

SUBPART B: DEFINITIONS

Section

720.110 Definitions
720.111 References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section

720.120 Rulemaking
720.121 Alternative Equivalent Testing Methods
720.122 Waste Delisting
720.130 Procedures for Solid Waste Determinations
720.131 Solid Waste Determinations
720.132 Boiler Determinations
720.133 Procedures for Determinations
720.140 Additional regulation of certain hazardous waste Recycling Activities on a case-by-case Basis
720.141 Procedures for case-by-case regulation of hazardous waste Recycling Activities

Appendix A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9, 53 PCB 131 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective

August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. , effective

SUBPART B: DEFINITIONS

Section 720.110 Definitions

When used in 35 Ill. Adm. Code 720 through 725 and 728 only, the following terms have the meanings given below:

"Aboveground tank" means a device meeting the definition of "tank" that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

"Act" or "RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.)

"Active life" of a facility means the period from the initial receipt of hazardous waste at the facility until the Agency receives certification of final closure.

"Active portion" means that portion of a facility where treatment, storage or disposal operations are being or have been conducted after May 19, 1980, and which is not a closed portion. (See also "closed portion" and "inactive portion".)

"Administrator" means the Administrator of the U.S. Environmental Protection Agency or the Administrator's designee.

"Agency" means the Illinois Environmental Protection Agency.

"Ancillary equipment" means any device including, but not limited to, such devices as piping, fittings, flanges, valves and pumps, that is used to distribute, meter or control the flow of hazardous waste from its point of generation to storage or treatment tank(s), between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.

"Aquifer" means a geologic formation, group of formations or part of

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a formation capable of yielding a significant amount of groundwater to wells or springs.

"Authorized representative" means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent or person of equivalent responsibility.

"Board" means the Illinois Pollution Control Board.

"Boiler" means an enclosed device using controlled flame combustion and having the following characteristics:

The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids or heated gases; and the unit's combustion chamber and primary energy recovery section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section(s) are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion units; and

While in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

The unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or

The unit is one which the Board has determined, on a case-by-case basis, to be a boiler, after considering the standards in Section 720.132.

"Certification" means a statement of professional opinion based upon

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knowledge and belief.

"Closed Portion" means that portion of a facility which an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements. (See also "active portion" and "inactive portion".)

"Component" means either the tank or ancillary equipment of a tank system.

"Confined aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined groundwater.

"Container" means any portable device in which a material is stored, transported, treated, disposed of or otherwise handled.

"Contingency plan" means a document setting out an organized, planned and coordinated course of action to be followed in case of a fire, explosion or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

"Corrosion expert" means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

"Designated facility".

"Designated facility" means a hazardous waste treatment, storage or disposal facility

-W-Which:

Has received a RCRA permit (or interim status) pursuant to 35 Ill. Adm. Code 702, 703 and 705;

Has received a RCRA permit from USEPA pursuant to 40 CFR 124 and 270 (1989);

Has received a RCRA permit from a state authorized by

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USEPA pursuant to 40 CFR 271 (1989); or

Is regulated under 35 Ill. Adm. Code 721.106(c)(2) or 266.Subpart F; and

Which has been designated on the manifest by the generator pursuant to 35 Ill. Adm. Code 722.120.

If a waste is destined to a facility in a state, other than Illinois, which has been authorized by USEPA pursuant to 40 CFR 271, but which has not yet obtained authorization to regulate that waste as hazardous, then the designated facility must be a facility allowed by the receiving state to accept such waste.

"Dike" means an embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids or other materials.

"Director" means the Director of the Illinois Environmental Protection Agency.

"Discharge" or "hazardous waste discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying or dumping of hazardous waste into or on any land or water.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Disposal facility" means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water and at which waste will remain after closure.

"Elementary neutralization unit" means a device which:

Is used for neutralizing wastes which are hazardous only because they exhibit the corrosivity characteristic defined in 35 Ill. Adm. Code 721.122 or are listed in 35 Ill. Adm. Code 721.Subpart D only for this reason; and

Meets the definition of tank, tank system, container, transport vehicle or vessel in this Section.

"EPA" or "USEPA" means United States Environmental Protection Agency.

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"EPA hazardous waste number" or "USEPA hazardous waste number" means the number assigned by EPA to each hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D and to each characteristic identified in 35 Ill. Adm. Code 721.Subpart C.

"EPA identification number" or "USEPA identification number" means the number assigned by USEPA pursuant to 35 Ill. Adm. Code 722 through 725 to each generator, transporter and treatment, storage or disposal facility.

"EPA region" means the states and territories found in any one of the following ten regions:

Region I: Maine, Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island

Region II: New York, New Jersey, Commonwealth of Puerto Rico and the U.S. Virgin Islands

Region III: Pennsylvania, Delaware, Maryland, West Virginia, Virginia and the District of Columbia

Region IV: Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina and Florida

Region V: Minnesota, Wisconsin, Illinois, Michigan, Indiana and Ohio

Region VI: New Mexico, Oklahoma, Arkansas, Louisiana and Texas

Region VII: Nebraska, Kansas, Missouri and Iowa

Region VIII: Montana, Wyoming, North Dakota, South Dakota, Utah and Colorado

Region IX: California, Nevada, Arizona, Hawaii, Guam, American Samoa and Commonwealth of the Northern Mariana Islands

Region X: Washington, Oregon, Idaho and Alaska

"Equivalent method" means any testing or analytical method approved by the Board pursuant to Section 720.120.

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility which was in operation or for which construction commenced on or before November 19, 1980. A facility had commenced construction if the owner or operator had obtained the

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federal, state and local approvals or permits necessary to begin physical construction and either

A continuous on-site, physical construction program had begun or the owner or operator had entered into contractual obligations -- which could not be cancelled or modified without substantial loss -- for physical construction of the facility to be completed within a reasonable time.

"Existing portion" means that land surface area of an existing waste management unit, included in the original Part A permit application, on which wastes have been placed prior to the issuance of a permit.

"Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of hazardous waste and that is in operation, or for which installation has commenced on or prior to July 14, 1986. Installation will be considered to have commenced if the owner or operator has obtained all federal, State and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either

A continuous on-site physical construction or installation program has begun; or

The owner or operator has entered into contractual obligations -- which cannot be canceled or modified without substantial loss -- for physical construction of the site or installation of the tank system to be completed within a reasonable time.

"Facility" means all contiguous land and structures, other appurtenances and improvements on the land used for treating, storing or disposing of hazardous waste. A facility may consist of several treatment, storage or disposal operational units (e.g., one or more landfills, surface impoundments or combinations of them).

"Final closure" means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities under 35 Ill. Adm. Code 724 and 725 are no longer conducted at the facility unless subject to the provisions of 35 Ill. Adm. Code 722.134.

"Federal agency" means any department, agency or other instrumentality of the federal government, any independent agency or establishment of the federal government including any government corporation and the Government Printing Office.

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"Federal, state and local approvals or permits necessary to begin physical construction" means permits and approvals required under federal, state or local hazardous waste control statutes, regulations or ordinances.

"Food-chain crops" means tobacco, crops grown for human consumption and crops grown for feed for animals whose products are consumed by humans.

"Freeboard" means the vertical distance between the top of a tank or surface impoundment dike and the surface of the waste contained therein.

"Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.

"Generator" means any person, by site, whose act or process produce hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

"Groundwater" means water below the land surface in a zone of saturation.

"Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste constituent" means a constituent which caused the hazardous waste to be listed in 35 Ill. Adm. Code 721.Subpart D, or a constituent listed in 35 Ill. Adm. Code 721.124.

"Hazardous waste management unit" is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system and a container storage area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

"Inactive portion" means that portion of a facility which is not operated after November 19, 1980. (See also "active portion" and "closed portion".)

"Incinerator" means any enclosed device using controlled flame combustion which is neither a "boiler" nor an "industrial furnace".

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"Incompatible waste" means a hazardous waste which is suitable for:

Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

Comingling with another waste or material under uncontrolled conditions because the comingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes or gases or flammable fumes or gases.

(See 35 Ill. Adm. Code 725. Appendix E for examples.)

"Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use controlled flame devices to accomplish recovery of materials or energy:

Cement kilns

Lime kilns

Aggregate kilns

Phosphate kilns

Coke ovens

Blast furnaces

Smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters and foundry furnaces)

Titanium dioxide chloride process oxidation reactors

Methane reforming furnaces

Pulping liquor recovery furnaces

Combustion devices used in the recovery of sulfur values from spent sulfuric acid

Any other such device as the Agency determines to be an "Industrial Furnace" on the basis of one or more of the following factors:

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The design and use of the device primarily to accomplish recovery of material products;

The use of the device to burn or reduce raw materials to make a material product;

The use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;

The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

The use of the device in common industrial practice to produce a material product; and

Other relevant factors.

"Individual generation site" means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

"Inground tank" means a device meeting the definition of "tank" whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

"In operation" refers to a facility which is treating, storing or disposing of hazardous waste.

"Injection well" means a well into which fluids are being injected. (See also "underground injection".)

"Inner liner" means a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

"Installation inspector" means a person who, by reason of knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.

"International shipment" means the transportation of hazardous waste into or out of the jurisdiction of the United States.

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"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

"Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, an underground mine or a cave.

"Landfill cell" means a discrete volume of a hazardous waste landfill which uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

"Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

"Liner" means a continuous layer of natural or manmade materials beneath or on the sides of a surface impoundment, landfill or landfill cell, which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents or leachate.

"Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

"Management" or "hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous waste.

"Manifest" means the shipping document originated and signed by the generator which contains the information required by 35 Ill. Adm. Code 722.Subpart B.

"Manifest document number" means the USEPA twelve digit identification number assigned to the generator plus a unique five digit document number assigned to the manifest by the generator for recording and reporting purposes.

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"Mining overburden returned to the mine site" means any material overlying an economic mineral deposit which is removed to gain access to that deposit and is then used for reclamation of a surface mine.

"Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored or disposed of and which is not a container, tank, tank system, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well with appropriate technical standards under 35 Ill. Adm. Code 730, or a unit eligible for a research, development and demonstration permit under 35 Ill. Adm. Code 703.231.

"Movement" means that hazardous waste transported to a facility in an individual vehicle.

"New hazardous waste management facility" or "new facility" means a facility which began operation, or for which construction commenced, after November 19, 1980. (See also "Existing hazardous waste management facility".)

"New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation commenced after July 14, 1986; except, however, for purposes of 35 Ill. Adm. Code 724.293(g)(2) and 725.293(g)(2), a new tank system is one for which construction commences after July 14, 1986. (See also "existing tank system".)

"Onground tank" means a device meeting the definition of "tank" that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surfaces so that the external tank bottom cannot be visually inspected.

"On-site" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access is also considered on-site property.

"Open burning" means the combustion of any material without the following characteristics:

Control of combustion air to maintain adequate temperature for efficient combustion;

Containment of the combustion reaction in an enclosed device to

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provide sufficient residence time and mixing for complete combustion; and

Control of emission of the gaseous combustion products.

(See also "incineration" and "thermal treatment".)

"Operator" means the person responsible for the overall operation of a facility.

"Owner" means the person who owns a facility or part of a facility.

"Partial closure" means the closure of a hazardous waste management unit in accordance with the applicable closure requirements of 35 Ill. Adm. Code 724 or 725 at a facility which contains other active hazardous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile or other hazardous waste management unit, while other units of the same facility continue to operate.

"Person" means an individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state or any interstate body.

"Personnel" or "facility personnel" means all persons who work at or oversee the operations of a hazardous waste facility and whose actions or failure to act may result in noncompliance with the requirements of 35 Ill. Adm. Code 724 or 725.

"pile" means any noncontainerized accumulation of solid, non-flowing hazardous waste that is used for treatment or storage.

"point source" means any discernible, confined and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code 310.110.

"Regional Administrator" means the Regional Administrator for the EPA Region in which the facility is located or the Regional Administrator's designee.

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"Representative sample" means a sample of a universe or whole (e.g., waste pile, lagoon, groundwater) which can be expected to exhibit the average properties of the universe or whole.

"Runoff" means any rainwater, leachate or other liquid that drains over land from any part of a facility.

"Runon" means any rainwater, leachate or other liquid that drains over land onto any part of a facility.

"Saturated zone" or "zone of saturation" means that part of the earth's crust in which all voids are filled with water.

"SIC Code" means Standard Industrial Code as defined in Standard Industrial Classification Manual, incorporated by reference in Section 720.111.

"Sludge" means any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

"Small Quantity Generator" means a generator which generates less than 1000 kg of hazardous waste in a calendar month.

"Solid waste" means a solid waste as defined in 35 Ill. Adm. Code 721.102.

"Sump" means any pit or reservoir that meets the definition of tank and those troughs or trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment or disposal facilities.

"State" means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

"Storage" means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of or stored elsewhere.

"Surface impoundment" or "impoundment" means a facility or part of a facility which is a natural topographic depression, manmade excavation or diked area formed primarily of earthen materials (although it may be lined with manmade materials) which is designed to hold an accumulation of liquid wastes or wastes containing free liquids and which is not an injection well. Examples of surface impoundments are holding, storage, settling and aeration pits, ponds

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and lagoons.

"Tank" means a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

"Tank system" means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

"Thermal treatment" means the treatment of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation and microwave discharge. (See also "incinerator" and "open burning".)

"Totally enclosed treatment facility" means a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

"Transfer facility" means any transportation related facility including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

"Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

"Transportation" means the movement of hazardous waste by air, rail, highway or water.

"Transporter" means a person engaged in the off-site transportation of hazardous waste by air, rail, highway or water.

"Treatability study" means:

A study in which a hazardous waste is subjected to a treatment process to determine:

Whether the waste is amenable to the treatment process.

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What pretreatment (if any) is required.

The optimal process conditions needed to achieve the desired treatment.

The efficiency of a treatment process for a specific waste or wastes. Or,

The characteristics and volumes of residuals from a particular treatment process.

Also included in this definition for the purpose of 35 Ill. Adm. Code 721.104(e) and (f) exemptions are liner compatibility, corrosion and other material compatibility studies and toxicological and health effects studies. A "treatability study" is not a means to commercially treat or dispose of hazardous waste.

"Treatment" means any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste or so as to render such waste non-hazardous or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage or reduced in volume.

"Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents are degraded, transformed or immobilized.

"Underground injection" means the subsurface emplacement of fluids through a bored, drilled or driven well; or through a dug well, where the depth of the dug well is greater than the largest surface dimension. (See also "injection well".)

"Underground tank" means a device meeting the definition of "tank" whose entire surface area is totally below the surface of and covered by the ground.

"Unfit-for-use tank system" means a tank system that has been determined through an integrity assessment or other inspection to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

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"United States" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

"Unsatuated zone" or "zone of aeration" means the zone between the land surface and the water table.

"USEPA" means United States Environmental Protection Agency.

"Vessel" includes every description of watercraft, used or capable of being used as a means of transportation on the water.

"Wastewater treatment unit" means a device which:

Is part of a wastewater treatment facility which has an NPDES permit pursuant to 35 Ill. Adm. Code 309 or a pretreatment permit or authorization to discharge pursuant to 35 Ill. Adm. Code 310; and

Receives and treats or stores an influent wastewater which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and

Meets the definition of tank or tank system in this Section.

"Water (bulk shipment)" means the bulk transportation of hazardous waste which is loaded or carried on board a vessel without containers or labels.

"Well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

"Well injection" (See "underground injection").

"Zone of engineering control" means an area under the control of the owner or operator that, upon detection of a hazardous waste release, can be readily cleaned up prior to the release of hazardous waste or hazardous constituents to groundwater or surface water.

(Source: Amended at 14 Ill. Reg. , effective)

Section 720.111 References

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a) The following publications are incorporated by reference:

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, (212) 354-3300:

ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000:

"Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks," 4th Edition, 1981, reaffirmed December, 1987.

"Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," API Recommended Practice 1632, Second Edition, December, 1987.

"Installation of Underground Petroleum Storage Systems," API Recommended Practice 1615, Fourth Edition, November, 1987.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, (212) 705-7722:

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3 - 1987, as supplemented by B31.3a - 1988 and B31.3b - 1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4 - 1986, as supplemented by B31.4a - 1987. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, (215) 299-5400:

"ASTM Standard Test Methods for Flash Point of Liquids by Setafash Closed Tester," ASTM Standard D-3828-87.

"ASTM Standard Test Methods for Flash Point Pensky-Martens Closed Tester," ASTM Standard D-93-79 or D-93-80.

GP0. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401-2, (202) 783-3238:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846 (November, 1986) and Revision I (December, 1987), Document Number 955-001-00000-I

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, (713) 492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems". NACE Recommended Practice RP0285-85, approved March, 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, (617) 770-3000 or (800) 344-3555:

"Flammable and Combustible Liquids Code" NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4600:

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987. (Document number PB 88-170766.

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March, 1983. (Document number PB 84-128677)

"Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities", EPA-530/SW-611, 1977. (Document number PB 84-174820)

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," -EPA Publication Number SW-846 (Second Edition, 1982 as amended by Update I (April, 1984) and Update II (April, 1986)) (Document number PB 87-120291) -See GPO.

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, (312) 498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks"

(1986).

EPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", EPA 570/9-87-002, August, 1987.

b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783-3238:

10 CFR 20, Appendix B (1989)

40 CFR 136 (1989)

40 CFR 142 (1989)

40 CFR 220 (1989)

40 CFR 260.20 (1989)

40 CFR 264 (1989)

40 CFR 302.4, 302.5 and 302.6 (1989)

40 CFR 761 (1989)

c) Federal Statutes

Section 3004 of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended through December 31, 1987.

d) This Section incorporates no later editions or amendments.

(Source: Amended at 14 Ill. Reg. , effective)

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1) Heading of the Part: IDENTIFICATION AND LISTING OF HAZARDOUS WASTE9) Are there any other amendments pending on this Part? Yes, in R90-2.2) Code Citation: 35 Ill. Adm. Code 721Section Numbers Proposed Action Illinois Register Citation3) Section Numbers:

721.104	Amendment	May 4, 1990; 14 Ill. Reg. 6528
721.108	New Section	May 4, 1990; 14 Ill. Reg. 6528
721.124	Amendment	May 4, 1990; 14 Ill. Reg. 6528
721.130	Amendment	May 4, 1990; 14 Ill. Reg. 6528
721.131	Amendment	May 4, 1990; 14 Ill. Reg. 6528
721.App. B	Amendment	May 4, 1990; 14 Ill. Reg. 6528
721.App. C	Amendment	May 4, 1990; 14 Ill. Reg. 6528

4) Statutory Authority: Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027.10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the federal Resource Conservation and Recovery Act. (42 U.S.C. 6901 et seq.) The statewide policy objectives are set forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, treatment, storage or disposal of hazardous waste.

5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of May 24, 1990, in R89-10, which Opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through March 31, 1990. This rulemaking changes the "mining waste" exclusions, adds an exclusion for PCB wastes regulated under TSCA, replaces the former EP toxicity characteristic with "toxicity characteristic" as measured by the TCLP, changes terminology to reflect the TCLP: excludes zirconium phosphating from F019 listing; and incorporates the TCLP test and specifies analytical methods for solid waste.

6) Will this proposed rule replace an emergency rule currently in effect?
No.

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: May 30, 1990

7) Does this rulemaking contain an automatic repeal date? No.

B) Types of small businesses affected:

8) Does this proposed amendment contain incorporations by reference?

The existing rules and proposed amendments affect small businesses which generate, treat, store or dispose of hazardous waste.

Yes. Appendix B and Appendix C incorporate federal regulations by reference. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules, proposed amendments and new Section require extensive reporting, bookkeeping and other procedures, including the

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R90-10, and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

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preparation of manifests and annual reports, waste analyses by the TCLP method and maintenance of operating records.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the Proposed Amendment begins on the next page:

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 721
IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A: GENERAL PROVISIONS

Section
721.101
721.102
721.103
721.104
721.105
721.106
721.107
721.108

Purpose of Scope
Definition of Solid Waste
Definition of Hazardous Waste
Exclusions
Special Requirements for Hazardous Waste Generated by Small Quantity Generators
Requirements for Recyclable Materials
Residues of Hazardous Waste in Empty Containers
PCB Wastes Regulated under TSCA

SUBPART B: CRITERIA FOR IDENTIFYING THE CHARACTERISTICS OF HAZARDOUS WASTE AND FOR LISTING HAZARDOUS WASTES

Section
721.110
721.111

Criteria for Identifying the Characteristics of Hazardous Waste
Criteria for Listing Hazardous Waste

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section
721.120
721.121
721.122
721.123
721.124

General
Characteristic of Ignitability
Characteristic of Corrosivity
Characteristic of Reactivity
Characteristic of EP Toxicity

SUBPART D: LISTS OF HAZARDOUS WASTE

Section
721.130
721.131
721.132
721.133

General
Hazardous Wastes From Nonspecific Sources
Hazardous Waste from Specific Sources
Discarded Commercial Chemical Products, Off-Specification Species, Container Residues and Spill Residues Thereof

Appendix A
Appendix B
Appendix C
Table A
Table B
Table C

Representative Sampling Methods
EP Toxicity Test Procedures
Chemical Analysis Test Methods
Analytical Characteristics of Organic Chemicals (Repealed)
Analytical Characteristics of Inorganic Species (Repealed)
Sample Preparation/Sample Introduction Techniques (Repealed)

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Appendix G Basis for Listing Hazardous Wastes
 Appendix H Hazardous Constituents
 Appendix I Wastes Excluded under Section 720.120 and 720.122
 Table A Wastes Excluded from Non-Specific Sources
 Table B Wastes Excluded from Specific Sources
 Table C Wastes Excluded From Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof

Appendix J Method of Analysis for Chlorinated Dibenzo-p-Dioxins and Dibenzofurans
 Appendix Z Table to Section 721.102

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (111. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 111. Reg. 9781, effective as noted in 35 111. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 111. Reg. 4828, effective as noted in 35 111. Adm. Code 700.106; amended in R82-18, 51 PCB 31, at 7 111. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 111. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 PCB 247, at 8 111. Reg. 24562, effective December 11, 1984; amended in R84-9, at 9 111. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 111. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 111. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 111. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 111. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 111. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 111. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 111. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 111. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 111. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 111. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 111. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 111. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 111. Reg. 18300, effective November 13, 1989; amended in R90-10 at 14 111. Reg. , effective

SUBPART A: GENERAL PROVISIONS

Section 721.104 Exclusions

- a) Materials which are not solid wastes. The following materials are not solid wastes for the purpose of this Part:

1) Sewage:

- A) Domestic sewage; and

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- B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.
- 2) Industrial wastewater discharges that are point source discharges with NPDES permits issued by the Agency pursuant to Section 12(f) of the Environmental Protection Act and 35 111. Adm. Code 309.

BOARD NOTE: This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.

- 3) Irrigation return flows.
- 4) Source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)
- 5) Materials subjected to in-situ mining techniques which are not removed from the ground as part of the extraction process.
- 6) Pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless accumulated speculatively as defined in Section 721.101(c);
- 7) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively as defined in Section 721.101(c).
- 8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process, provided:
- A) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;
- B) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces or incinerators);
- C) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and

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- D) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal.
- b) Solid wastes which are not hazardous wastes. The following solid wastes are not hazardous wastes:
- 1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel) or reused. "Household waste" means any waste material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas). A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of or otherwise managing hazardous wastes for the purposes of regulation under this Part, if such facility:
 - A) Receives and burns only:
 - i) Household waste (from single and multiple dwellings, hotels, motels and other residential sources) and does not contain hazardous waste; and
 - ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and
 - B) Such facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.
- 2) Solid wastes generated by any of the following and which are returned to the soil as fertilizers:
- A) The growing and harvesting of agricultural crops.
 - B) The raising of animals, including animal manures.
- 3) Mining overburden returned to the mine site.
- 4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels.
- 5) Drilling fluids, produced waters, and other wastes associated

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with the exploration, development, or production of crude oil, natural gas or geothermal energy.

6) Chromium wastes:

- A) Wastes which fail the test for the toxicity characteristic of EP toxicity (Section 721.124 and Appendix B) because chromium is present or are listed in Subpart D due to the presence of chromium, which do not fail the test for the toxicity characteristic of EP toxicity for any other constituent or are not listed due to the presence of any other constituent, and which do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:
- i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and
 - ii) The waste is generated from an industrial process which uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and
 - iii) The waste is typically and frequently managed in non-oxidizing environments.
- B) Specific wastes which meet the standard in subsections (b)(6)(A)(i), (ii) and (iii) (so long as they do not fail the test for the characteristic of EP toxicity, and do not fail the test for any other characteristic) are
- i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry; hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing.
 - ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry; hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing.
 - iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue.

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- iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing.
- v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing.
- vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; and through-the-blue.
- vii) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries.
- viii) Wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by the chloride process.
- 7) Solid waste from the extraction, beneficiation and processing of ores and minerals (including coal), including phosphate rock and overburden from the mining of uranium ore. For purposes of this subsection, beneficiation of ores and minerals is restricted to the following activities: crushing, grinding, washing, dissolution, crystallization, filtration, sorting, sizing, drying, sintering, pelletizing, briquetting, calcining to remove water or carbon dioxide, roasting, autoclaving or chlorination in preparation for leaching (except where the roasting or autoclaving or chlorination/leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing), gravity concentration, magnetic separation, electrostatic separation, floatation, ion exchange, solvent extraction, electrowinning, precipitation, amalgamation, and heap, dump, vat tank and in situ leaching. For the purposes of this subsection, solid waste from the processing of ores and minerals ~~does not include~~ will include only the following wastes:

A) Acid plant blowdown slurry or sludge resulting from the

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thickening of blowdown slurry from primary copper production;

- B) Surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities;
- C) After June 30, 1990, sludge from treatment of process wastewater or acid plant blowdown from primary zinc production;
- D) Spent petliners from primary aluminum reduction;
- E) Emission control dust or sludge from ferrochromium production; and
- F) Emission control dust or sludge from ferrochromium production--
- A) Slag from primary copper processing;
- B) Slag from primary lead processing;
- C) Red and brown muds from bauxite refining;
- D) Phosphogypsum from phosphoric acid production;
- E) Slag from elemental phosphorus production;
- F) Gasifier ash from coal gasification;
- G) Process wastewater from coal gasification;
- H) Calcium sulfate wastewater treatment plant sludge from primary copper processing;
- I) Slag tailings from primary copper processing;
- J) Fluorogypsum from hydrofluoric acid production;
- K) Process wastewater from hydrofluoric acid production;
- L) Air pollution control dust/sludge from iron blast furnaces;
- M) Iron blast furnace slag;
- N) Treated residue from roasting/leaching of chrome ore;
- O) Process wastewater from primary magnesium processing by the

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e) Treatability study samples.

- 1) Except as is provided in subsection (e)(2), persons who generate or collect samples for the purpose of conducting treatability studies, as defined in 35 Ill. Adm. Code 720.110, are not subject to any requirement of 35 Ill. Adm. Code 721 through 723 or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act. Nor are such samples included in the quantity determinations of Section 721.105 and 35 Ill. Adm. Code 722.134(d) when:

- A) The sample is being collected and prepared for transportation by the generator or sample collector; or,
 - B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or
 - C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.
- 2) The exemption in subsection (e)(1) is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that:

- A) The generator or sample collector uses (in "treatability studies") no more than 1000 kg of any non-acute hazardous waste, 1 kg of acute hazardous waste or 250 kg of soils, water or debris contaminated with acute hazardous waste for each process being evaluated for each generated wastestream; and
- B) The mass of each shipment does not exceed 1000 kg of non-acute hazardous waste, 1 kg of acute hazardous waste or 250 kg of soils, water or debris contaminated with acute hazardous waste; and
- C) The sample must be packaged so that it does not leak, spill or vaporize from its packaging during shipment and the requirements of subsections (i) or (ii) are met.
 - i) The transportation of each sample shipment complies with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS) or any other applicable shipping requirements; or
 - ii) If the DOT, USPS or other shipping requirements do not

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apply to the shipment of the sample, the following information must accompany the sample: The name, mailing address and telephone number of the originator of the sample; the name, address and telephone number of the facility that will perform the treatability study; the quantity of the sample; the date of the shipment; and, a description of the sample, including its USEPA hazardous waste number.

- D) The sample is shipped to a laboratory or testing facility which is exempt under subsection (f) or has an appropriate RCRA permit or interim status.
- E) The generator or sample collector maintains the following records for a period ending 3 years after completion of the treatability study:
 - i) Copies of the shipping documents;
 - ii) A copy of the contract with the facility conducting the treatability study;
 - iii) Documentation showing: The amount of waste shipped under this exemption; the name, address and USEPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made; and, whether or not unused samples and residues were returned to the generator.
- F) The generator reports the information required in subsection (e)(2)(E)(iii) in its report under 35 Ill. Adm. Code 722.141.

- 3) The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsection (e)(2)(A), for up to an additional 500 kg of any non-acute hazardous waste, 1 kg of acute hazardous waste and 250 kg of soils, water or debris contaminated with acute hazardous waste, to conduct further treatability study evaluation when: There has been an equipment or mechanical failure during the conduct of the treatability study; there is need to verify the results of a previously conducted treatability study; there is a need to study and analyze alternative techniques within a previously evaluated treatment process; or, there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment. The additional quantities allowed are subject to all the provisions in subsections (e)(1) and (e)(2)(B) through (F). The generator or sample collector must

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apply to the Agency and provide in writing the following information:

- A) The reason why the generator or sample collector requires additional quantity of sample for the treatability study evaluation and the additional quantity needed;
 - B) Documentation accounting for all samples of hazardous waste from the wastestream which have been sent for or undergone treatability studies, including the date each previous sample was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;
 - C) A description of the technical modifications or change in specifications which will be evaluated and the expected results;
 - D) If such further study is being required due to equipment or mechanical failure, the applicant must include information regarding the reason for the failure or breakdown and also include what procedures or equipment have been made to protect against further breakdowns; and,
 - E) Such other information as the Agency determines is necessary.
- 4) Final Agency determinations pursuant to this subsection may be appealed to the Board.
- f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this Part, or of 35 Ill. Adm. Code 702, 703, 705, 722 through 726, and 728, or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act, provided that the requirements of Subsections (f)(1) through (f)(11) are met. A mobile treatment unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11). Where a group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through (f)(11) apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.
- 1) No less than 45 days before conducting treatability studies, the

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facility notifies the Agency in writing that it intends to conduct treatability studies under this subsection.

- 2) The laboratory or testing facility conducting the treatability study has a USEPA identification number.
- 3) No more than a total of 250 kg of "as received" hazardous waste is subjected to initiation of treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.
- 4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 1000 kg, the total of which can include 500 kg of soils, water or debris contaminated with acute hazardous waste or 1 kg of acute hazardous waste. This quantity limitation does not include:
 - A) Treatability study residues; and,
 - B) Treatment materials (including nonhazardous solid waste) added to "as received" hazardous waste.
- 5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs.
- 6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.
- 7) The facility maintains records for 3 years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:
 - A) The name, address and USEPA identification number of the generator or sample collector of each waste sample;
 - B) The date the shipment was received;
 - C) The quantity of waste accepted;
 - D) The quantity of "as received" waste in storage each day;
 - E) The date the treatment study was initiated and the amount

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- of "as received" waste introduced to treatment each day;
- F) The date the treatability study was concluded;
- G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the USEPA identification number.
- 8) The facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending 3 years from the completion date of each treatability study.
- 9) The facility prepares and submits a report to the Agency by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:

- A) The name, address and USEPA identification number of the facility conducting the treatability studies;
- B) The types (by process) of treatability studies conducted;
- C) The names and addresses of persons for whom studies have been conducted (including their USEPA identification numbers);
- D) The total quantity of waste in storage each day;
- E) The quantity and types of waste subjected to treatability studies;
- F) When each treatability study was conducted;
- G) The final disposition of residues and unused sample from each treatability study;
- 10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section 721.103 and, if so, are subject to 35 Ill. Adm. Code 702, 703 and 721 through 728, unless the residues and unused samples are returned to the sample originator under the subsection (e) exemption.

- 11) The facility notifies the Agency by letter when the facility is

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no longer planning to conduct any treatability studies at the site.

(Source: Amended at 14 Ill. Reg. , effective)

Section 721.108 PCB Wastes Regulated under TSCA

The disposal of polychlorinatedbiphenyl-(PCB-)containing dielectric fluid and electric equipment containing such fluid, which are authorized for use and regulated under 40 CFR 761, incorporated by reference in 35 Ill. Adm. Code 720.111, and which are hazardous only because they fail the test for toxicity characteristic (hazardous waste codes D018 through D043 only), is exempt from regulation under 35 Ill. Adm. Code 702, 703, 705, 721 through 725, and 728, and from the notification requirements of Section 3010 of the Resource Conservation and Recovery Act.

(Source: Added at 14 Ill. Reg. , effective)

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section 721.124 Characteristic of EP Toxicity

- a) A solid waste exhibits the characteristic of ~~toxicity-EP Toxicity-~~ if, using the test methods described in Appendix ~~II-B~~ or equivalent methods ~~-(§720.121)-~~ approved by the Agency under the procedures set forth in Sections 720.120 and 720.121, the extract from a representative sample of the waste contains any of the contaminants listed in ~~Table 1-~~ the table in subsection (b) at a concentration equal to or greater than the respective value given in that table. Where the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering using the methodology outlined in Appendix B, is considered to be the extract for the purpose-s- of this Section.

- b) A solid waste that exhibits the characteristic of ~~-EP toxicity-~~ toxicity, but is not listed as a hazardous waste in Subpart D, has the USEPA Hazardous Waste Number specified in ~~Table 1-~~ the following table which corresponds to the toxic contaminant causing it to be hazardous.

-- CONCENTRATION OF CONTAMINANTS FOR CHARACTERISTICS OF EP TOXICITY	
EP Hazardous Waste Number	Contaminant Concentration (mg/l)
9994	Arsenic

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USEPA Hazardous Waste Number	Contaminant	CAS No.	Note	Regula- tory Level (mg/L)
D005	Barium	7440-38-2		5.0
D006	Cadmium	7440-39-3		100.0
D007	Chromium	71-43-2		0.5
D008	Lead	7440-43-9		1.0
D009	Mercury	56-23-5		0.5
D010	Selenium	57-74-9		0.03
D011	Silver	108-90-7		100.0
D012	Endrin (1,2,3,4,10,10-hexachloro-1,7-epoxy-1,4,4a,5,6,7,8a-octahydro-1,4-endo, endo-5,8-dimethano naphthalene)	67-66-3		6.0
D013	Lindane (1,2,3,4,5,6-hexachlorocyclohexane, gamma isomer)	7440-47-3		5.0
D014	Methoxychlor (1,1,1-trichloro-2,2-bis [p-methoxyphenyl]ethane)	95-48-7		4 200.0
D015	Toxaphene (C ₁₀ H ₁₆ Cl ₈ , Technical chlorinated camphene, 9+5 67-69 percent chlorine)	108-39-4		4 200.0
D016	2,4-D, (2,4-dichlorophenoxyacetic acid)	106-44-5		4 200.0
D017	2,4,5-TP Silvex (2,4,5-trichlorophenoxypropionic acid)-r-	94-75-7		4 200.0

MAXIMUM CONCENTRATION OF CONTAMINANTS

FOR THE TOXICITY CHARACTERISTIC

USEPA Hazardous Waste Number	Contaminant	CAS No.	Note	Regula- tory Level (mg/L)
D004	Arsenic	7440-38-2		5.0
D005	Barium	7440-39-3		100.0
D018	Benzene	71-43-2		0.5
D006	Cadmium	7440-43-9		1.0
D019	Carbon tetrachloride	56-23-5		0.5
D020	Chlordane	57-74-9		0.03
D021	Chlorobenzene	108-90-7		100.0
D022	Chloroform	67-66-3		6.0
D007	Chromium	7440-47-3		5.0
D023	o-Cresol	95-48-7		4 200.0
D024	m-Cresol	108-39-4		4 200.0
D025	p-Cresol	106-44-5		4 200.0
D026	Cresol			4 200.0
D016	2,4-D	94-75-7		10.0
D027	1,4-Dichlorobenzene	106-46-7		7.5
D028	1,2-Dichloroethane	107-06-2		0.5
D029	1,1-Dichloroethylene	75-35-4		0.7
D030	2,4-Dinitrotoluene	121-14-2		0.13
D012	Endrin	72-20-8		0.02
D031	Heptachlor (and its hydroxide)	76-44-8		0.008
D032	Hexachlorobenzene	118-74-1		3 0.13

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USEPA Hazardous Waste Number	Contaminant	CAS No.	Note	Regula- tory Level (mg/L)
D033	Hexachlorobutadiene	87-68-3		0.5
D034	Hexachloroethane	67-72-1		3.0
D008	Lead	7439-92-1		5.0
D013	Lindane	58-89-9		0.4
D009	Mercury	7439-97-6		0.2
D014	Methoxychlor	72-43-5		10.0
D035	Methyl ethyl ketone	78-93-3		200.0
D036	Nitrobenzene	98-95-3		2.0
D037	Pentachlorophenol	87-86-5		100.0
D038	Pyridine	110-86-1		3 5.0
D010	Selenium	7782-49-2		1.0
D011	Silver	7440-22-4		5.0
D039	Tetrachloroethylene	127-18-4		0.7
D015	Toxaphene	8001-35-2		0.5
D040	Trichloroethylene	79-01-6		0.5
D041	2,4,5-Trichlorophenol	95-95-4		400.0
D042	2,4,6-Trichlorophenol	88-06-2		2.0
D017	2,4,5-TP (Silvex)	93-72-1		1.0
D043	Vinyl chloride	75-01-4		0.2

Notes to Table:

- 3 Quantitation limit is greater than the calculated regulatory level. The quantitation limit therefore becomes the regulatory level.
- 4 If o-, m-, p-cresol concentrations cannot be differentiated, the total cresol (0026) concentration is used. The regulatory level of total cresol is 200.0 mg/L.

(Source: Amended at 14 Ill. Reg. , effective)

SUBPART D: LISTS OF HAZARDOUS WASTE

Section 721.130 General

- a) A solid waste is a hazardous waste if it is listed in this Subpart, unless it has been excluded from this list under 35 Ill. Adm. Code 720.120 and 720.122.

- b) The basis for listing the classes or types of wastes listed in this Subpart is indicated by employing one or more of the Hazard Codes:

1) Hazard Codes:

A) Ignitable Waste.....(1)

B) Corrosive Waste.....(C)

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- C) Reactive Waste.....(R)
- D) ~~EP Toxic~~-Toxicity Characteristic Waste.....(E)
- E) Acute Hazardous Waste.....(H)
- F) Toxic Waste.....(T)
- 2) Appendix G identifies the constituent which caused the Administrator to list the waste as an ~~EP Toxic~~-Toxicity Characteristic Waste (E) or Toxic Waste (T) in Sections 721.131 and 721.132.
- c) Each hazardous waste listed in this Subpart is assigned an EPA Hazardous Waste Number which precedes the name of the waste. This number must be used in complying with the notification requirements of Section 3010 of the Act and certain recordkeeping and reporting requirements under 35 Ill. Adm. Code 702, 703, 722 through 725 and 728 and 40 CFR 122.
- d) The following hazardous wastes listed in Section 721.131 or 721.132 are subject to the exclusion limits for acute hazardous wastes established in Section 721.105: hazardous wastes numbers F020, F021, F022, F023, F026 and F027.

(Source: Amended at 14 Ill. Reg. , effective)

Section 721.131 Hazardous Wastes From Nonspecific Sources

The following solid wastes are listed hazardous wastes from non-specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Appendix I.

EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
F001	The following spent halogenated solvents used in degreasing: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride and chlorinated fluorocarbons; all spent solvent mixtures and blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F002, F004 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(T)
F002	The following spent halogenated solvents: tetrachloroethylene, methylene chloride, trichloroethylene,	(T)

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1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, orthodichlorobenzene, trichlorofluoromethane and 1,1,2-trichloroethane; all spent solvent mixtures and blends containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F001, F004 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

The following spent non-halogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone and methanol; all spent solvent mixtures and blends containing, before use, only the above spent non-halogenated solvents; and all spent solvent mixtures and blends containing, before use, one or more of the above non-halogenated solvents and a total of ten percent or more (by volume) of one or more of those solvents listed in F001, F002, F004 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

The following spent non-halogenated solvents: cresols and cresylic acid and nitrobenzene; all spent solvent mixtures and blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002 or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

The following spent non-halogenated solvents: (1, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol and 2-nitropropane; all spent solvent mixtures and blends, containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002 or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

F003	Wastewater treatment sludges from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.	(T)
F004	Wastewater treatment sludges from the chemical conversion coating of aluminum-See Below	(T)
F005	Spent cyanide plating bath solutions from electroplating operations.	(R, T)
F006		
F019		
F007		

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- F008 (R, T) Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.
- F009 (R, T) Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.
- F010 (R, T) Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.
- F011 (R, T) Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.
- F012 (T) Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.
- F019 (T) Wastewater treatment sludges from the chemical conversion coating of aluminum except when such phosphating is an exclusive conversion coating process.
- F020 (H) Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol.)
- F021 (H) Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives.
- F022 (H) Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tetra-, penta- or hexachlorobenzenes under alkaline conditions.
- F023 (H) Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tri- and tetrachlorophenols. (This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5- trichlorophenol.

- F024 (T) Process wastes including but not limited to, distillation residues, heavy ends, tars, and reactor cleanout wastes, from the production of certain chlorinated aliphatic hydrocarbons, having carbon content from one to five, reacting by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include light ends, spent filters and filter aids, spent desiccants, -wastewaters, wastewater treatment sludges, spent catalysts and wastes listed in this Section or Section 721.132.)
- F025 (T) Condensed light ends, spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution.
- F026 (H) Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate or component in a formulating process) of tetra-, penta- or hexachlorobenzene under alkaline conditions.
- F027 (H) Discarded unused formulations containing tri-, tetra- or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component). Residues resulting from the incineration or thermal treatment of soil contaminated with hazardous waste numbers F020, F021, F022, F023, F026 and F027.
- F028 (T) (Board Note: The primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The letter H indicates Acute Hazardous Waste.) (Source: Amended at 14 Ill. Reg. , effective)

Section 721-Appendix B -SP Toxicity Test Procedures-Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)

-See Appendix II to 40 CFR 261--The Board incorporates by reference 40 CFR 261, Appendix II, as amended at 55 Fed. Reg. 11798, March 29, 1990. This

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Section incorporates no future editions or modifications

(Source: Amended at 14 Ill. Reg. , effective)

Section 721. Appendix C Chemical Analysis Test Methods

The Board incorporates by reference 40 CFR 261, Appendix III -(1986), as amended at 51 Fed. Reg. 37225, October 24, 1986-(1989), as amended at 54 Fed. Reg. 41407, October 6, 1989, and as amended at 55 Fed. Reg. 8948, March 9, 1990. This Section incorporates no future editions or modifications.

(Source: Amended at 14 Ill. Reg. , effective)

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1) Heading of the Part: INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

2) Code Citation: 35 Ill. Adm. Code 725

3) Section Numbers: Proposed Action:

725.321 Amendment
725.373 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of May 24, 1990, in R89-10, which Opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through March 31, 1990. This rulemaking changes Part 725 terminology to correspond with the TCLP, described in 35 Ill. Adm. Code 721.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date?: No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? Yes, in R90-2.

Section Numbers	Proposed Action	Illinois Register Citation
725.113	Amendment	May 4, 1990; 14 Ill. Reg. 6574
725.212	Amendment	May 4, 1990; 14 Ill. Reg. 6574
725.213	Amendment	May 4, 1990; 14 Ill. Reg. 6574
725.242	Amendment	May 4, 1990; 14 Ill. Reg. 6574

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the federal Resource Conservation and Recovery

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Act. (42 U.S.C. 6901 et seq.) The statewide policy objectives are set forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the treatment, storage or disposal of hazardous waste in surface impoundments or land treatment.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R90-10, and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

- 12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: May 30, 1990

B) Types of small businesses affected:

The existing rules and proposed amendments affect small businesses which treat, store or dispose of hazardous waste in surface impoundments or by land treatments.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 725
INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Purpose, Scope and Applicability
Imminent Hazard Action

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SUBPART B: GENERAL FACILITY STANDARDS

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USEPA Identification Number
Required Notices
General Waste Analysis
Security
General Inspection Requirements
Personnel Training
General Requirements for Ignitable, Reactive or Incompatible Wastes
Location Standards

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725.117
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SUBPART C: PREPAREDNESS AND PREVENTION

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Maintenance and Operation of Facility
Required Equipment
Testing and Maintenance of Equipment
Access to Communications or Alarm System
Required Aisle Space
Arrangements with Local Authorities

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SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

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Purpose and Implementation of Contingency Plan
Content of Contingency Plan
Copies of Contingency Plan
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Emergency Coordinator
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SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

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Section	Applicability
725.170	Use of Manifest System
725.171	Manifest Discrepancies
725.172	Operating Record
725.173	Availability, Retention and Disposition of Records
725.174	Annual Report
725.175	Unmanifested Waste Report
725.176	Additional Reports
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SUBPART F: GROUNDWATER MONITORING

Section	Applicability
725.190	Groundwater Monitoring System
725.191	Sampling and Analysis
725.192	Preparation, Evaluation and Response
725.193	Recordkeeping and Reporting
725.194	

SUBPART G: CLOSURE AND POST-CLOSURE

Section	Applicability
725.210	Closure Performance Standard
725.211	Closure Plan; Amendment of Plan
725.212	Closure; Time Allowed for Closure
725.213	Disposal or Decontamination of Equipment, Structures and Soils
725.214	Certification of Closure
725.215	Survey Plat
725.216	Post-closure Care and Use of Property
725.217	Post-closure Plan; Amendment of Plan
725.218	Post-Closure Notices
725.219	Certification of Completion of Post-Closure Care
725.220	

SUBPART H: FINANCIAL REQUIREMENTS

Section	Applicability
725.240	Definitions of Terms as Used in this Subpart
725.241	Cost Estimate for Closure
725.242	Financial Assurance for Closure
725.243	Cost Estimate for Post-closure Care
725.244	Financial Assurance for Post-closure Monitoring and Maintenance
725.245	Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care
725.246	Post-closure Care
725.247	Liability Requirements
725.248	Incapacity of Owners or Operators, Guarantors or Financial Institutions
725.251	Promulgation of Forms (Repealed)

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

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Section	Applicability
725.270	Condition of Containers
725.271	Compatibility of Waste with Container
725.272	Management of Containers
725.273	Inspections
725.274	Special Requirements for Ignitable or Reactive Waste
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SUBPART J: TANK SYSTEMS

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725.290	Assessment of Existing Tank System's Integrity
725.291	Design and Installation of New Tank Systems or Components
725.292	Containment and Detection of Releases
725.293	General Operating Requirements
725.294	Inspections
725.295	Response to leaks or spills and disposition of Tank Systems
725.296	Closure and Post-Closure Care
725.297	Special Requirements for Ignitable or Reactive Waste
725.298	Special Requirements for Incompatible Wastes
725.299	Waste Analysis and Trial Tests
725.300	Generators of 100 to 1000 kg/mo.
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SUBPART K: SURFACE IMPOUNDMENTS

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725.320	Design Requirements
725.321	General Operating Requirements
725.322	Containment System
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725.326	Closure and Post-Closure Care
725.328	Special Requirements for Ignitable or Reactive Waste
725.329	Special Requirements for Incompatible Wastes
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SUBPART L: WASTE PILES

Section	Applicability
725.350	Protection from Wind
725.351	Waste Analysis
725.352	Containment
725.353	Design Requirements
725.354	Special Requirements for Ignitable or Reactive Waste
725.356	Special Requirements for Incompatible Wastes
725.357	Closure and Post-Closure Care
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SUBPART M: LAND TREATMENT

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Waste Analysis
Food Chain Crops
Unsaturated Zone (Zone of Aeration) Monitoring
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Closure and Post-closure
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Special Requirements for Incompatible Wastes
Special Requirements for Liquid Wastes
Special Requirements for Containers
Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

SUBPART O: INCINERATORS

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Interim Status Incinerators Burning Particular Hazardous Wastes

SUBPART P: THERMAL TREATMENT

Section
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Other Thermal Treatment
General Operating Requirements
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Open Burning; Waste Explosives
Interim Status Thermal Treatment Devices Burning Particular Hazardous Waste

SUBPART Q: CHEMICAL, PHYSICAL AND BIOLOGICAL TREATMENT

Section
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Applicability

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General Operating Requirements
Waste Analysis and Trial Tests
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Special Requirements for Ignitable or Reactive Waste
Special Requirements for Incompatible Wastes

SUBPART R: UNDERGROUND INJECTION

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Recordkeeping Instructions
EPA Report Form and Instructions (Repealed)
EPA Interim Primary Drinking Water Standards
Tests for Significance
Examples of Potentially Incompatible Waste

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111-1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 831, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9, at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-10 at 14 Ill. Reg. , effective

SUBPART K: SURFACE IMPOUNDMENTS

Section 725.321 Design Requirements

a) The owner or operator of a surface impoundment must install two or more liners and leachate collection system in accordance with 35 Ill. Adm. Code 724.321(c), with respect to each new unit, replacement of an existing unit, or lateral expansion of an existing unit that is within the area identified in the Part A permit application, and with respect to waste received beginning May 8, 1985.

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- b) The owner or operator of each unit referred to in subsection (a) must notify the Agency at least sixty days prior to receiving waste. The owner or operator of each facility submitting notice must file a Part B application within six months of the receipt of such notice.
- c) Subsection (a) will not apply if the owner or operator demonstrates to the Agency and the Agency finds for such surface impoundment, that alternative design and operating practices, together with location characteristics, will prevent the migration of any hazardous constituent into the groundwater or surface water at least as effectively as such liners and leachate collection systems.
- d) The double liner requirement set forth in subsection (a) may be waived by the Agency for any monofill, if:
- 1) The monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand, and such wastes do not contain constituents which would render the wastes hazardous for reasons other than the -EP- toxicity characteristic-s- in 35 Ill. Adm. Code 721.124, with USEPA hazardous waste numbers D004 through D017; and

2) No migration demonstration.

A) Design and location requirements.

- i) The monofill has at least one liner for which there is no evidence that such liner ~~is~~ is leaking. For the purposes of this subsection the term "liner" means a liner designed, constructed, installed and operated to prevent hazardous waste from passing into the liner at any time during the active life of the facility, or a liner designed, constructed, installed and operated to prevent hazardous waste from migrating beyond the liner to adjacent subsurface soil, -ground-water- groundwater or surface water at any time during the active life of the facility. In the case of any surface impoundment which has been exempted from the requirements of subsection (a) of a liner designed, constructed, installed and operated to prevent hazardous waste from passing beyond the liner, at the closure of such impoundment the owner or operator must remove or decontaminate all waste residues, all contaminated liner material and contaminated soil to the extent practicable. If all contaminated soil ~~is~~ is not removed or decontaminated, the owner or operator of such impoundment must comply with

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appropriate post-closure requirements, including but not limited to -ground-water-groundwater monitoring and corrective action

- ii) The monofill is located more than one-quarter mile from an underground source of drinking water (as that term is defined in 35 Ill. Adm. Code 702.110); and
 - iii) The monofill is in compliance with generally applicable -ground-water-groundwater monitoring requirements for facilities with RCRA permits; or,
- B) The owner or operator demonstrates to the Board that the monofill is located, designed and operated so as to assure that there will be no migration of any hazardous constituent into groundwater or surface water at any future time.
- e) In the case of any unit in which the liner and leachate collection system has been installed pursuant to the requirements of subsection (a) and in good faith compliance with subsection (a) and with guidance documents governing liners and leachate collection systems under subsection (a) no liner or leachate collection system which is different from that which was so installed pursuant to subsection (a) will be required for such unit by the Agency when issuing the first permit to such facility, except that the Agency will not be precluded from requiring installation of a new liner when the Agency finds that any liner installed pursuant to the requirements of subsection (a) is leaking.
 - f) Refusal to grant an exemption or waiver, or grant with conditions, may be appealed to the Board.

(Source: Amended at 14 Ill. Reg. , effective)

SUBPART M: LAND TREATMENT

Section 725.373 Waste Analysis

In addition to the waste analyses required by -§-Section 725.113, before placing a hazardous waste in or on a land treatment facility, the owner or operator -must-shall-:

- a) Determine the concentrations in the waste of any substances which equal or exceed the maximum concentrations contained in -table 1 of §-35 Ill. Adm. Code 721.124 that cause a waste to exhibit the -EP- toxicity characteristic;

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- b) For any waste listed in Part 721, 35 Ill. Adm. Code 721, Subpart D, determine the concentrations of any substances which caused the waste to be listed as a hazardous waste; and
- c) If food chain crops are grown, determine the concentrations in the waste of each of the following constituents: arsenic, cadmium, lead and mercury, unless the owner or operator has written, documented data that show that the constituent is not present.
- ~~Comment:~~ Part-BOARD NOTE: 35 Ill. Adm. Code 721 specifies the substances for which a waste is listed as a hazardous waste. As required by §-Section 725.113 the waste analysis plan must include analyses needed to comply with §-Sections 725.381 and 725.382. As required by §-Section 725.173, the owner or operator must shall place the results from each waste analysis, or the documented information, in the operating record of the facility.

(Source: Amended at 14 Ill. Reg. , effective)

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1) Heading of the Part: LAND DISPOSAL RESTRICTIONS

2) Code Citation: 35 Ill. Adm. Code 728

3) Section Numbers: Proposed Action:

728.App. A
Amendment

4) Statutory Authority: Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of May 24, 1990, in R89-10, which Opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (111. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through March 31, 1990. This rulemaking moves the TCLP test to 35 Ill. Adm. Code 721.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? Yes, in R90-2.

Section Numbers	Proposed Action	Illinois Register Citation
728.134	Amendment	May 4, 1990; 14 Ill. Reg. 6597
728.105	Amendment	May 4, 1990; 14 Ill. Reg. 6597
728.106	Amendment	May 4, 1990; 14 Ill. Reg. 6597
728.107	Amendment	May 4, 1990; 14 Ill. Reg. 6597
728.108	Amendment	May 4, 1990; 14 Ill. Reg. 6597
728.132	Amendment	May 4, 1990; 14 Ill. Reg. 6597
728.133	Amendment	May 4, 1990; 14 Ill. Reg. 6597
728.150	Amendment	May 4, 1990; 14 Ill. Reg. 6597

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Protection Act, and by the federal Resource Conservation and Recovery Act. (42 U.S.C. 6901 et seq.) The statewide policy objectives are set forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation, treatment, storage or disposal of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R90-10, and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: May 30, 1990
- B) Types of small businesses affected:
The existing rules and proposed amendments affect small businesses which generate, treat, store or dispose of hazardous waste.
- C) Reporting, bookkeeping or other procedures required for compliance:
The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.
- D) Types of professional skills necessary for compliance:
Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the Proposed Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 728

LAND DISPOSAL RESTRICTIONS

SUBPART A: GENERAL

Section	Purpose, Scope and Applicability
728.101	Definitions
728.102	Dilution Prohibited as a Substitute for Treatment
728.103	Treatment Surface Impoundment Exemption
728.104	Procedures for case-by-case Extensions to an Effective Date
728.105	Petitions to Allow Land Disposal of a Waste Prohibited under Subpart C
728.106	Waste Analysis
728.107	Landfill and Surface Impoundment Disposal Restrictions
728.108	

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section	Waste Specific Prohibitions -- Solvent Wastes
728.130	Waste Specific Prohibitions -- Dioxin-Containing Wastes
728.131	Waste Specific Prohibitions -- California List Wastes
728.132	Waste Specific Prohibitions -- First Third Wastes
728.133	Waste Specific Prohibitions -- Second Third Wastes
728.134	Statutory Prohibitions
728.139	

SUBPART D: TREATMENT STANDARDS

Section	Applicability of Treatment Standards
728.140	Treatment Standards expressed as Concentrations in Waste Extract
728.141	Treatment Standards expressed as Specified Technologies
728.142	Treatment Standards expressed as Waste Concentrations
728.143	Adjustment of Treatment Standard
728.144	

SUBPART E: PROHIBITIONS ON STORAGE

Section	Prohibitions on Storage of Restricted Wastes
728.150	
Table A	Constituent Concentrations in Waste Extract (CME)
Table B	Constituent Concentrations in Waste (CCW)
Appendix A	Toxicity Characteristic Leaching Procedure (TCLP)
Appendix B	Treatment Standards (As concentrations in the Treatment Residual Extract)
Appendix C	List of Halogenated Organic Compounds

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. , effective .

Appendix A Toxicity Characteristic Leaching Procedure (TCLP)

The Board incorporates by reference 40 CFR 268, Appendix I (1988). This incorporation includes no future editions or amendments. The TCLP is in 35 Ill. Adm. Code 721. Appendix B, which incorporates by reference 40 CFR 261, Appendix II.

(Source: Amended at 14 Ill. Reg. , effective)

2) Code Citation: 35 Ill. Adm. Code 722

3) Section Numbers:
722.123
Proposed Action:
Amendment

4) Statutory Authority: Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027.

5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of May 24, 1990, in R89-10, which Opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through March 31, 1990. This rulemaking adds additional manifest requirements for generators dealing with out-of-state transport of hazardous waste which has not yet been listed in the disposer's state.

6) Will this proposed rule replace an emergency rule currently in effect?
No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the Federal Resource Conservation and Recovery Act. (42 U.S.C. 6901 et seq.) The statewide policy objectives are set forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the generation of hazardous waste.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

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The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R90-10, and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: May 30, 1990
- B) Types of small businesses affected:
The existing rules and proposed amendments affect small businesses which generate hazardous waste.
- C) Reporting, bookkeeping or other procedures required for compliance:
The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. This rulemaking adds additional manifest requirements for generators dealing with out-of-state transport of hazardous waste which has not yet been listed in the disposer's state.
- D) Types of professional skills necessary for compliance:
Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the Proposed Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 722
STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Purpose, Scope and Applicability
Hazardous Waste Determination
USEPA Identification Numbers

SUBPART B: THE MANIFEST

General Requirements
Acquisition of Manifests
Number of Copies
Use of the Manifest

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Packaging
Labeling
Marking
Placarding
Accumulation Time

SUBPART D: RECORDKEEPING AND REPORTING

Recordkeeping
Annual Reporting
Exception Reporting
Additional Reporting
Special Requirements for Generators of between 100 and 1000 kilograms per month

SUBPART E: EXPORTS OF HAZARDOUS WASTE

Applicability
Definitions
General Requirements
Notification of Intent to Export
Special Manifest Requirements
Exception Report
Annual Reports
Recordkeeping

Section
722.110
722.111
722.112

Section
722.120
722.121
722.122
722.123

Section
722.130
722.131
722.132
722.133
722.134

Section
722.140
722.141
722.142
722.143
722.144

Section
722.150
722.151
722.152
722.153
722.154
722.155
722.156
722.157

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SUBPART F: IMPORTS OF HAZARDOUS WASTE

Section 722.160 Imports of Hazardous Waste

SUBPART G: FARMERS

Section 722.170 Farmers

Appendix A Hazardous Waste Manifest

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective as noted in 35 Ill. Adm. Code 700.106; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective as noted in 35 Ill. Adm. Code 700.106; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989; amended in R90-10 at 14 Ill. Reg. , effective

SUBPART B: THE MANIFEST

Section 722.123 Use of the Manifest

- a) The generator ~~must~~ shall:
- 1) Sign the manifest certification by hand; and
 - 2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and
 - 3) Retain one copy, in accordance with ~~§~~Section 722.140(a); and
 - 4) Send one copy of the manifest to the Agency within two working days.
- b) The generator ~~must~~ shall give the transporter the remaining copies of the manifest.

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- c) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator ~~must~~ shall send three copies of the manifest dated and signed in accordance with this Section to the owner or operator of the designated facility of the last water (bulk shipment) transporter to handle the waste in the United States if exported by water. Copies of the manifest are not required for each transporter.
- d) For rail shipments of hazardous waste within the United States which originate at the site of generation, the generator ~~must~~ shall send at least three copies of the manifest dated and signed in accordance with this section to:
- 1) The next non-rail transporter, if any; or
 - 2) The designated facility if transported solely by rail; or
 - 3) The last rail transporter to handle the waste in the United States if exported by rail.
- ~~Note~~ -- See §-BOARD NOTE: See Section 723.120(e) and (f) for special provisions for rail or water (bulk shipment) transporters.
- e) For shipments of hazardous waste to a designated facility in an authorized state which has not yet obtained authorization to regulate that particular waste as hazardous, the generator shall assure that the designated facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated facility.

(Source: Amended at 14 Ill. Reg. , effective)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES
- 2) Code Citation: 35 Ill. Adm. Code 724
- 3) Section Numbers:
724.401
Proposed Action:
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027.
- 5) A Complete Description of the Subjects and Issues Involved:

A complete description is contained in the Board's Proposed Opinion of May 24, 1990, in R99-10, which Opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, par. 1022.4(a)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's RCRA hazardous waste rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through March 31, 1990. This rulemaking changes Part 724 terminology to correspond with the TCLP, described in 35 Ill. Adm. Code 721.

- 6) Will this proposed rule replace an emergency rule currently in effect?
No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? Yes, in R90-2.

Section Numbers	Proposed Action	Illinois Register Citation
724.113	Amendment	May 4, 1990; 14 Ill. Reg. 6638
724.212	Amendment	May 4, 1990; 14 Ill. Reg. 6638
724.213	Amendment	May 4, 1990; 14 Ill. Reg. 6638
724.242	Amendment	May 4, 1990; 14 Ill. Reg. 6638

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act, and by the Federal Resource Conservation and Recovery Act. (42 U.S.C. 6901 et seq.) The statewide policy objectives are set

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NOTICE OF PROPOSED AMENDMENTS

forth in Section 20 of the Environmental Protection Act. This rulemaking imposes mandates on units of local government only to the extent that they may be involved in the treatment, storage or disposal of hazardous waste.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R90-10, and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
- 12) Initial Regulatory Flexibility Analysis:
 - A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: May 30, 1990
 - B) Types of small businesses affected:
The existing rules and proposed amendments affect small businesses which treat, store or dispose of hazardous waste in landfills.
 - C) Reporting, bookkeeping or other procedures required for compliance:
The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.
 - D) Types of professional skills necessary for compliance:
Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the Proposed Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER 1: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 724

STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE
TREATMENT, STORAGE AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section
724.101
724.103

Purpose, Scope and Applicability
Relationship to Interim Status Standards

SUBPART B: GENERAL FACILITY STANDARDS

Section
724.110
724.111
724.112
724.113
724.114
724.115
724.116
724.117

Applicability
Identified Number
Required Notices
General Waste Analysis
Security
General Inspection Requirements
Personnel Training
General Requirements for Ignitable, Reactive or Incompatible
Wastes
Location Standards

SUBPART C: PREPAREDNESS AND PREVENTION

Section
724.130
724.131
724.132
724.133
724.134
724.135
724.137

Applicability
Design and Operation of Facility
Required Equipment
Testing and Maintenance of Equipment
Access to Communications or Alarm System
Required Aisle Space
Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section
724.150
724.151
724.152
724.153
724.154
724.155
724.156

Applicability
Purpose and Implementation of Contingency Plan
Content of Contingency Plan
Copies of Contingency Plan
Amendment of Contingency Plan
Emergency Coordinator
Emergency Procedures

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

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Section
724.170
724.171
724.172
724.173
724.174
724.175
724.176
724.177

Applicability
Use of Manifest System
Manifest Discrepancies
Operating Record
Availability, Retention and Disposition of Records
Annual Report
Unmanifested Waste Report
Additional Reports

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Section
724.190
724.191
724.192
724.193
724.194
724.195
724.196
724.197
724.198
724.199
724.200
724.201

Applicability
Required Programs
Groundwater Protection Standard
Hazardous Constituents
Concentration Limits
Point of Compliance
Compliance Period
General Groundwater Monitoring Requirements
Detection Monitoring Program
Compliance Monitoring Program
Corrective Action Program
Corrective Action for Solid Waste Management Units

SUBPART G: CLOSURE AND POST-CLOSURE

Section
724.210
724.211
724.212
724.213
724.214
724.215
724.216
724.217
724.218
724.219
724.220

Applicability
Closure Performance Standard
Closure Plan; Amendment of Plan
Closure; Time Allowed For Closure
Disposal or Decontamination of Equipment, Structures and Soils
Certification of Closure
Survey Plat
Post-closure Care and Use of Property
Post-closure Plan; Amendment of Plan
Post-closure Notices
Certification of Completion of Post-closure Care

SUBPART H: FINANCIAL REQUIREMENTS

Section
724.240
724.241
724.242
724.243
724.244
724.245
724.246

Applicability
Definitions of Terms As Used In This Subpart
Cost Estimate for Closure
Financial Assurance for Closure
Cost Estimate for Post-closure Care
Financial Assurance for Post-closure Care
Use of a Mechanism for Financial Assurance of Both Closure and

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Post-closure Care

724.247 Liability Requirements
724.248 Incapacity of Owners or Operators, Guarantors or Financial Institutions
724.251 Wording of the Instruments

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section
724.350
724.351
724.352
724.353

Section
724.270
724.271
724.272
724.273
724.274
724.275
724.276
724.277
724.278

Applicability
Condition of Containers
Compatibility of Waste With Container
Management of Containers
Inspections
Containment
Special Requirements for Ignitable or Reactive Waste
Special Requirements for Incompatible Wastes
Closure

SUBPART J: TANK SYSTEMS

Section
724.290
724.291
724.292
724.293
724.294
724.295
724.296

Applicability
Assessment of Existing Tank System's Integrity
Design and Installation of New Tank Systems or Components
Containment and Detection of Releases
General Operating Requirements
Inspections
Response to Leaks or Spills and Disposition of Leaking or unfit-for-use Tank Systems

724.297
724.298
724.299
724.300

Closure and Post-Closure Care
Special Requirements for Ignitable or Reactive Waste
Special Requirements for Incompatible Wastes
Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

SUBPART K: SURFACE IMPOUNDMENTS

Section
724.320
724.321
724.322

Applicability
Design and Operating Requirements
Double-lined Surface Impoundments: Exemption from Subpart F:
Ground-water Protection Requirements (Repealed)

724.326
724.327
724.328
724.329
724.330
724.331

Monitoring and Inspection
Emergency Repairs; Contingency Plans
Closure and Post-closure Care
Special Requirements for Ignitable or Reactive Waste
Special Requirements for Incompatible Wastes
Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

SUBPART L: WASTE PILES

Applicability
Design and Operating Requirements
Double-lined Piles: Exemption from Subpart F: Ground-water
Protection Requirements (Repealed)
Inspection of Liners: Exemption from Subpart F: Ground-water
Protection Requirements (Repealed)
Monitoring and Inspection
Special Requirements for Ignitable or Reactive Waste
Special Requirements for Incompatible Wastes
Closure and Post-closure Care
Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

SUBPART M: LAND TREATMENT

Section
724.370
724.371
724.372
724.373
724.376
724.378
724.379
724.380
724.381
724.382
724.383

Applicability
Treatment Program
Treatment Demonstration
Design and Operating Requirements
Food-chain Crops
Unsaturated Zone Monitoring
Recordkeeping
Closure and Post-closure Care
Special Requirements for Ignitable or Reactive Waste
Special Requirements for Incompatible Wastes
Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

SUBPART N: LANDFILLS

Section
724.400
724.401
724.402

Applicability
Design and Operating Requirements
Double-lined Landfills: Exemption from Subpart F: Ground-water
Protection Requirements (Repealed)
Monitoring and Inspection

724.403
724.409
724.410
724.412
724.413
724.414
724.415
724.416

Surveying and Recordkeeping
Closure and Post-closure Care
Special Requirements for Ignitable or Reactive Waste
Special Requirements for Incompatible Wastes
Special Requirements for Bulk and Containerized Liquids
Special Requirements for Containers
Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)
Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

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SUBPART O: INCINERATORS

Section	Applicability
724.440	Waste Analysis
724.441	Principal Organic Hazardous Constituents (POHCs)
724.442	Performance Standards
724.443	Hazardous Waste Incinerator Permits
724.444	Operating Requirements
724.445	Monitoring and Inspections
724.447	Closure
724.451	

SUBPART X: MISCELLANEOUS UNITS

Section	Applicability
724.701	Environmental Performance Standards
724.701	Monitoring, Analysis, Inspection, Response, Reporting and
724.702	Corrective Action
724.703	Post-closure Care

Appendix A RECORDKEEPING INSTRUCTIONS

Appendix B EPA REPORT FORM AND INSTRUCTIONS (Repealed)

Appendix D COCHRAN'S APPROXIMATION TO THE BEHRENS-FISHER STUDENT'S T-TEST

Appendix E EXAMPLES OF POTENTIALLY INCOMPATIBLE WASTE

Appendix I Groundwater Monitoring List

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1988 Supp., ch. 111 1/2, pars. 1022.4 and 1027).

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 111. Reg. 8684, effective April 21, 1987; amended in R87-5 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective November 12, 1987; amended in R88-16 at 13 Ill. Reg. 458, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 28, 1988; amended in R90-10 at 14 Ill. Reg. 13, 1989; amended in R90-10 at 14 Ill. Reg. , effective

SUBPART N: LANDFILLS

Section 724.401 Design and Operating Requirements

- a) Any landfill that is not covered by subsection (c) or 35 Ill. Adm. Code 725.401(a) must have a liner system for all portions of the

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landfill (except for existing portions of such landfill). The liner system must have:

- 1) A liner that is designed, constructed and installed to prevent any migration of wastes out of the landfill to the adjacent subsurface soil or ground-water-groundwater or surface water at any time during the active life (including the closure period) of the landfill. The liner must be constructed of materials that prevent wastes from passing into the liner during the active life of the facility. The liner must be:

A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation and the stress of daily operation;

B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression or uplift; and

C) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and

- 2) A leachate collection and removal system immediately above the liner that is designed, constructed, maintained and operated to collect and remove leachate from the landfill. The Agency will specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must be:

A) Constructed of materials that are:

i) Chemically resistant to the waste managed in the landfill and the leachate expected to be generated; and

ii) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials and by any equipment used at the landfill; and

B) Designed and operated to function without clogging through the scheduled closure of the landfill.

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- b) The owner or operator will be exempted from the requirements of subsection (a) if the Board finds, based on a demonstration by the owner or operator, in a variance and/or site-specific rulemaking, that alternative design and operating practices, together with location characteristics, will prevent the migration of any hazardous constituents (see Section 724.193) into the -ground-water-groundwater or surface water at any future time. In deciding whether to grant an exemption, the Board will consider:

- 1) The nature and quantity of the wastes;
- 2) The proposed alternate design and operation;
- 3) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the landfill and -ground-water-groundwater or surface water; and
- 4) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to -ground-water-groundwater or surface water.

- c) The owner or operator of each new landfill, each new landfill unit at an existing facility, each replacement of an existing landfill unit and each lateral expansion of an existing landfill unit, must install two or more liners and a leachate collection system above and between the liners. The liners and leachate collection systems must protect human health and the environment. The requirement for the installation of two or more liners in this subsection may be satisfied by the installation of a top liner designed, operated and constructed of materials to prevent the migration of any constituent into such liner during the period such facility remains in operation (including any post-closure monitoring period), and a lower liner designed, operated and constructed to prevent the migration of any constituent through such liner during such period. For the purpose of the preceding sentence, a lower liner shall be deemed to satisfy such requirement if it is constructed of at least a 3-foot thick layer of recompact clay or other natural material with a permeability of no more than 1×10^{-7} centimeter per second.

- d) Subsection (c) will not apply if the owner or operator demonstrates to the Agency, and the Agency finds for such landfill, that alternative design and operating practices, together with location characteristics, will prevent the migration of any hazardous constituent into the -ground-water-groundwater or surface water at least as effectively as such liners and leachate collection systems.

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- e) The double liner requirement set forth in subsection (c) be waived by the Agency for any monofill, if:

- 1) The monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand, and such wastes do not contain constituents which would render the wastes hazardous for reasons other than the -EP-toxicity characteristic-s- in 35 Ill. Adm. Code 721.124, with USEPA hazardous waste numbers D004 through D017; and

- 2) No migration demonstration.

- A) Design and location requirements.

- i) The monofill has at least one liner for which there is no evidence that such liner is leaking.

- ii) The monofill is located more than one-quarter mile from an underground source of drinking water (as that term is defined in 35 Ill. Adm. Code 702.110).

- iii) The monofill is in compliance with generally applicable -ground-water-groundwater monitoring requirements for facilities with RCRA permits; or

- B) The owner or operator demonstrates to the Board that the monofill is located, designed and operated so as to assure that there will be no migration of any hazardous constituent into -ground-water-groundwater or surface water at any future time.

- f) The owner or operator must design, construct, operate and maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from at least a 25-year storm.

- g) The owner or operator must design, construct, operate and maintain a run-off management system to collect and control at least the water volume resulting from a 24 hour, 25-year storm.

- h) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously after storms to maintain design capacity of the system.

- i) If the landfill contains any particulate matter which may be subject to wind dispersal, the owner or operator must cover or otherwise manage the landfill to control wind dispersal.

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- j) The Agency will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this Section are satisfied.

(Source: Amended at 14 Ill. Reg. , effective)

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- 1) The Heading of the Part: Water Use Designations and Site-Specific Water Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 303
- 3) Section Number: Proposed Action:
303.431 Add
- 4) Statutory Authority: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111, pars. 1013 and 1027).
- 5) A Complete Description of the Subjects and Issues Involved:

This matter comes to the Board on a petition for site-specific rulemaking filed March 31, 1986. The original petition was filed by Borden Chemical Company, but the petitioner's name was subsequently changed to Borden Chemicals and Plastics Operating Limited Partnership.

The present petition relates to Borden's Illiopolis, Illinois plant, which produces polyvinyl chloride resins, polyvinyl acetate emulsions, and polyvinyl chloride plastic film. The plant presently employs approximately 300 people.

The wastewater effluent from Borden's plant contains elevated levels of total dissolved solids ("TDS") and chloride. This is largely due to wastewater from the air pollution control equipment which Borden installed to comply with the National Emission Standards for Hazardous Air Pollutants ("NESHAPS") promulgated for vinyl chloride pursuant to Section 301(a) of the Clean Air Act. The plant discharges approximately 800,000 gallons of effluent a day into an unnamed tributary, which drains into Long Point Slough, which flows into the west branch of the Old River, and then to the Sangamon River. The maximum TDS concentration may be as high as 2500 mg/l; the average is usually below 1200 mg/l. The average chloride concentration is usually less than 700 mg/l. These concentrations do not violate any technology-based effluent limitations, but the discharge may cause water quality violations for TDS and chlorides in the receiving waters.

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The primary regulation affecting this proceeding is 35 Ill. Adm. Code 302.208. That regulation provides that concentrations of TDS in the waters, under consideration here, shall not exceed 1000 mg/l and concentrations of chloride shall not exceed 500 mg/l. The other regulatory provision of concern is 35 Ill. Adm. Code 304.105 which provides that no effluent shall, alone or in combination with other sources, cause a violation of any applicable water quality standard. Data supplied by Borden show violations of both TDS and chloride water quality standards in the unnamed tributary downstream of Borden's discharge or in Long Point Slough downstream of the confluence with the unnamed tributary.

The Board has concluded that it is technically feasible, but not economically reasonable for Borden to comply with the existing standards. Therefore, the Board proposes regulatory language to provide site-specific relief to Borden. Borden, the Agency, and the DENR all generally support adoption of amended regulatory language to provide relief to Borden.

The new language will amend Part 303; Subpart A. It will provide that the water quality standards for TDS and chloride shall comply with a TDS standard of 2,500 mg/l and a chloride standard of 800 mg/l.

This regulatory proposal is intended to apply from the point of Borden's discharge in the unnamed tributary, downstream to the confluence with the Sangamon River. It is intended to insulate Borden only while the effluent discharges of TDS and chloride in that stretch of water remain within the above limitations. If either of those values is exceeded, Borden would be subject to enforcement, or additional permit controls.

Although the First Notice Opinion and Order provided for regulatory relief for Borden by the addition of a new Section 304.211, in response to the Agency's comments filed April 12, 1990, the Board now proposes to restructure the relief to be granted. The Agency's comments highlight two issues: (1) the need to fashion relief in Part 303, rather than in Part 304 as had been proposed at First Notice; and (2) the need for numeric limits for total dissolved solids and chloride

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concentrations which specify monthly average effluent limitations, as well as the maximum daily concentrations designated by the Board at First Notice.

The Agency referred the Board to USEPA's position in reviewing the John Deere site-specific rulemaking in R81-26 that USEPA considers that the kind of relief proposed at First Notice, amounts to de facto revision of the water quality standards for the receiving stream. USEPA believes that to be approvable under federal law, the relief for Borden must be included in Part 303, Water Use Designations and Site-Specific Water Quality Standards, Subpart C: Site-Specific Designations and Site-Specific Water Quality Standards. Consequently, the Board proposes to add new Section 303.431.

- 6) Will this proposed rule replace an emergency rule currently in effect? NO.
- 7) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐
If "yes," please specify the date:
- 8) Does this proposed amendment contain incorporations by reference? NO.
- 9) Are there any other amendments pending on this Part? YES.
- 10) Section Numbers: Proposed Action: Ill. Reg. Citation: Statement of Statewide Policy Objective (if applicable)? This regulation only affects Borden Chemicals and Plastics Operating Limited Partnership. The Board believes that local governments are not required by the proposal to establish, expand or modify its activities so as to necessitate additional expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Send written comments concerning R86-14 within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.

12) Initial Regulatory Flexibility Analysis (if applicable):

- A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs: May 24, 1990
- B) Types of small businesses affected: The Board believes that this regulation only affects Borden Chemicals and Plastics Operating Limited Partnership. The Board is providing notice to small businesses by publication in the Illinois Register and by submission of the proposed amendment to the Business Assistance Office of the Department of Commerce and Community Affairs (DCCA). Small businesses are encouraged to notify the Board of any impact that may result from the adoption of this proposed amendment.
- C) Reporting, bookkeeping or other procedures required for compliance: The reporting, bookkeeping or other procedures have not been changed from the existing requirements.
- D) Types of professional skills necessary for compliance: This regulation requires no change in the type of professional skills necessary for compliance.

The full text of the adopted amendments begins on the next page:

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 303
WATER USE DESIGNATIONS AND SITE SPECIFIC
WATER QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

Section
303.100
303.101
303.102

Scope and Applicability
Multiple Designations
Rulemaking Required

SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

Section
303.200
303.201
303.202
303.203
303.204

Scope and Applicability
General Use Waters
Public and Food Processing Water Supplies
Underground Waters
Secondary Contact and Indigenous Aquatic Life Waters

SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE SPECIFIC
WATER QUALITY STANDARDS

Section
303.300
303.301
303.311
303.312
303.321
303.322
303.323
303.331
303.341
303.351
303.352
303.353

Scope and Applicability
Organization
Ohio River Temperature
Waters Receiving Fluorspar Mine Drainage
Wabash River Temperature
Unnamed Tributary of the Vermillion River
Sugar Creek and Its Unnamed Tributary
Mississippi River North Temperature
Mississippi River North Central Temperature
Mississippi River South Central Temperature
Unnamed Tributary of Wood River Creek
Shoenberger Creek; Unnamed Tributary of Cahokia Canal
Mississippi River South Temperature
Unnamed Tributary to Dutch Creek
Long Point Slough and Its Unnamed Tributary
Secondary Contact Waters
Waters Not Designated for Public Water Supply

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303.443 Lake Michigan

SUBPART D: THERMAL DISCHARGES

Section
303.500
303.502

Scope and Applicability
Lake Sangchris Thermal Discharges

Appendix A References to Previous Rules
Appendix B Sources of Codified Sections

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111, pars. 1013 and 1027).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 27, p. 221, effective July 5, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 5 Ill. Reg. 11592, effective October 19, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended in R87-27 at 12 Ill. Reg. 9917, effective May 27, 1988; amended in R87-2 at 13 Ill. Reg. 15649, effective September 22, 1989; as amended in R87-36 at 14 Ill. Reg. 9460, effective May 31, 1990; as amended in R86-14 at Ill. Reg. _____, effective _____.

Section 303.431 Long Point Slough and Its Unnamed Tributary

The general use water quality standards for total dissolved solids and for chloride contained in Section 302.208 shall not apply to Long Point Slough and its unnamed tributary, which receive discharges from the Illinois facility of Borden Chemicals and Plastics Operating Limited Partnership, from the outfall of that facility to the point of the confluence of the unnamed tributary downstream with the Sangamon River. Instead this water shall comply with a total dissolved solids standard of 2,500 mg/l and a chloride standard of 800 mg/l.

(Source: Added at _____ Ill. Reg. _____, effective _____)

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1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDREN

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Number: 112.150
Proposed Action: Amendment

4) Statutory Authority: Sections 4-1.6, 4-2, of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 4-1.6, 4-2 and 12-13)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking revises the Department's policy on jointly held assets to provide that only assets that are owned, available or accessible to the individual will be considered when determining eligibility for assistance under the AFDC Program.

6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date?
Yes _____ No _____

8) Does this Proposed Amendment contain incorporations by Reference? No

9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
112.9	Amendment	February 23, 1990 (14 Ill. Reg. 2798)
112.70	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.71	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.72	Amendment	January 19, 1990 (14 Ill. Reg. 1123)

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<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
112.74	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.76	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.77	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.78	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.79	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.80	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.82	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.83	Amended & Renumbered	January 19, 1990 (14 Ill. Reg. 1123)
112.110	Amendment	March 16, 1990 (14 Ill. Reg. 4054)
112.110	Amendment	June 15, 1990 (14 Ill. Reg. 9291)
112.151	Amendment	March 16, 1990 (14 Ill. Reg. 4054)
112.151	Amendment	June 15, 1990 (14 Ill. Reg. 9291)
112.130	Amendment	April 20, 1990 (14 Ill. Reg. 5695)
112.131	Amendment	April 20, 1990 (14 Ill. Reg. 5695)
112.141	Amendment	April 20, 1990 (14 Ill. Reg. 5695)

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<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
112.143	Amendment	April 20, 1990 (14 Ill. Reg. 5695)
112.145	Amendment	April 20, 1990 (14 Ill. Reg. 5695)
112.147	Amendment	April 20, 1990 (14 Ill. Reg. 5695)
112.308	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.315	Renumbered	January 19, 1990 (14 Ill. Reg. 1123)
112.330	Amendment	April 27, 1990 (14 Ill. Reg. 5923)
112.332	Amendment	April 27, 1990 (14 Ill. Reg. 5923)
112.350	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.352	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.354	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.356	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.358	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.360	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.362	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.364	New Section	January 19, 1990 (14 Ill. Reg. 1123)

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment begins on the next page:

Section Numbers	Proposed Action	Illinois Register Citation
112.366	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.400	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.402	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.404	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.406	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.408	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.410	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.412	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.414	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.416	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.418	New Section	January 19, 1990 (14 Ill. Reg. 1123)

- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762, (217) 782-1233. The Department will consider all

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112
AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section
112.1 Description of the Assistance Program
112.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
112.8 Caretaker Relative
112.9 Client Cooperation
112.10 Citizenship
112.20 Residence
112.30 Age
112.40 Relationship
112.40 Living Arrangement
112.50 Social Security Numbers
112.52 Assignment of Medical Support Rights
112.54 Lack of Parental Support or Care
112.60 Death of a Parent
112.61 Incapacity of a Parent
112.62 Continued Absence of a Parent
112.63 Unemployment of the Parent
112.64

SUBPART C: PROJECT CHANCE

Section
112.70 Registration Requirements For Project Chance
112.71 Individuals Exempt From Project Chance
112.71 Project Chance Participation/Cooperation Requirements
112.72 Failure to Participate with the Work Incentive
112.73 Demonstration Program (Renumbered)
112.74 Project Chance Full Assessment Process/Development of an Employment Plan
112.76 Project Chance Orientation
112.77 Illinois Work Experience Program Evaluation Project (Renumbered)
112.78 Project Chance Components
112.79 Project Chance Sanctions
112.80 Good Cause for Failure to Comply With Project Chance Participation Requirements

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Section
112.81 Responsible Relative Eligibility For Project Chance
112.82 Project Chance Supportive Services
112.83 Employment Child Care
112.84 Work Experience Evaluation Project
112.85 Four Year College/Vocational Training Demonstration Project

SUBPART E: PROJECT ADVANCE

Section
112.86 Project Advance
112.87 Project Advance Experimental and Control Groups
112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers
112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers
112.90 Project Advance Sanctions
112.91 Good Cause for Failure to Comply with Project Advance
112.93 Individuals Exempt From Project Advance
112.95 Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

Section
112.98 Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
112.100 Unearned Income of Stepparent, Parent or Legal Guardian
112.101 Unearned Income of Stepparent, Parent or Legal Guardian
112.101 Budgeting Unearned Income of Applicants Employed On
112.105 Budgeting Unearned Income of Applicants Employed On
112.106 Date of Application And/Or Date Of Decision
112.107 Initial Receipt of Unearned Income
112.108 Termination of Unearned Income
112.110 Exempt Unearned Income
112.115 Education Benefits
112.120 Incentive Allowances
112.125 Unearned Income In-Kind
112.126 Earmarked Income
112.127 Lump Sum Payments
112.128 Protected Income
112.128 Earned Income
112.130 Earned Income Tax Credit
112.131 Earned Income Tax Credit
112.132 Budgeting Earned Income

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Section
112.133 Budgeting Earned Income of Applicants Employed On Date
of Application And/Or Date Of Decision
112.134 Initial Employment
112.135 Budgeting Earned Income For Contractual Employees
112.136 Budgeting Earned Income For Non-Contractual School
Employees
112.137 Termination of Employment
112.138 Transitional Payments
112.140 Exempt Earned Income
112.141 Earned Income Exemption
112.142 Exclusion From Earned Income Exemption
112.143 Recognized Employment Expenses
112.144 Income From Work/Study/Training Program
112.145 Earned Income From Self-Employment
112.146 Earned Income From Roomer and Boarder
112.147 Income From Rental Property
112.148 Payments from the Illinois Department of Children and
Family Services
112.149 Earned Income In-Kind
112.150 Assets
112.151 Exempt Assets
112.152 Asset Disregards
112.153 Deferral of Consideration of Assets
112.154 Property Transfers
112.155 AFDC Income Limit

SUBPART H: PAYMENT AMOUNTS

Section
112.250 Grant Levels
112.251 Payment Levels in AFDC
112.252 Payment Levels in AFDC Group I Counties
112.253 Payment Levels in AFDC Group II Counties
112.254 Payment Levels in AFDC Group III Counties

SUBPART I: OTHER PROVISIONS

Section
112.300 Persons Who May Be Included in the Assistance Unit
112.301 Presumptive Eligibility
112.302 Monthly Reporting
112.303 Restrospective Budgeting
112.304 Budgeting Schedule
112.305 Strikers
112.306 Foster Care Program
112.307 Responsibility of Sponsors of Aliens
112.308 Special Needs Authorizations

Section
112.309 Institutional Status
112.315 Young Parent Program
112.320 Redetermination of Eligibility
112.330 Six Month Extension of Medical Assistance Due to
Increased Income from Employment
112.331 Four Month Extension of Medical Assistance Due to
Child Support Collections
112.332 Extension of Medical Assistance Due to Loss of Earned
Income Disregard

AUTHORITY: Implementing Article IV and authorized by Section
12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987
1989, ch. 23, pars. 4-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory
amendment at 2 Ill. Reg. 17, p. 117, effective February 1,
1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5,
1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective
August 30, 1978, for a maximum of 150 days; peremptory
amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978;
peremptory amendment at 2 Ill. Reg. 46, p. 56, effective
November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41,
effective April 9, 1979, for a maximum of 150 days; emergency
amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979,
for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399,
effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415,
effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243,
effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243,
effective September 21, 1979, peremptory amendment at 3 Ill.
Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill.
Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill.
Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill.
Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill.
Reg. 48, p. 1, effective November 15, 1979; peremptory
amendment at 4 Ill. Reg. 9, p. 259, effective February 22,
1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25,
1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980;
amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980;
emergency amendment at 4 Ill. Reg. 29, p. 294, effective July
8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37,
p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45,
p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45,
p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766,
effective January 2, 1981; amended at 5 Ill. Reg. 1134,
effective January 26, 1981; peremptory amendment at 5 Ill. Reg.
5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071,
effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective
June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27,

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1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12993, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive

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change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19883, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and

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112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E reclassified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section 112.150 Assets

- a) The value of non-exempt assets shall be considered in determining eligibility for and-the-amount-of-the an assistance payment.
- b) The entire equity value of jointly held assets liquid asset or the client's proportional share of a jointly held non-liquid asset shall be considered in determining eligibility for-and-the-amount-of-the an assistance payment, unless:
 - 1) The asset is a joint income tax refund; or
 - 2) The client can document the amount of his legal interest in the asset, and that such amount is

NOTICE OF PROPOSED AMENDMENT

Section 112.150 Assets (Cont'd)

- less than the entire value of the asset, the documented amount shall be considered. Appropriate documentation, may include, but is not limited to, bank documents, trust documents, signature cards, divorce papers, or court orders; or
- 3) the asset is held jointly with a client(s) of any Illinois Department of Public Aid assistance program other than Food Stamps (consider an equal share of the equity value as belonging to the client); or
- 3+4) The client documents that he/she does not have access to the asset. Appropriate documentation may include but is not limited to, bank documents, trust documents, signature cards, divorce papers, or court orders; or
- 5) The client documents that the asset or a portion of the asset is not owned by the client and the client's accessibility to the asset is changed.
- c) Income tax refunds shall be considered available assets and are to be considered against the appropriate non-exempt asset limitation of the assistance unit. One-half of joint tax refunds shall be considered available for each payee. A client who declares that less than one-half of the joint income tax was received may claim an exception. Only the amount claimed to be received shall be considered.
- d) Trust Fund for the Benefit of a Dependent Child
 - 1) When trust fund exists for the benefit of a dependent child living in the home of the caretaker relative and the amount of the trust fund by itself or combined with other nonexempt assets of the assistance unit exceeds the asset disregard, the caretaker relative shall be allowed forty-five (45) days to petition the court for release of the funds. When someone other than the caretaker relative is the trustee of the trust fund, the caretaker relative is responsible for taking action within forty-five (45) days of the Department's becoming aware of

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Section 112.150 Assets (Cont'd)

the existence of the trust fund to petition the court to order the trustee to release the funds. The child for whom the trust fund was established shall remain in the assistance unit for the forty-five (45) days.

- 2) When the trust fund combined with other nonexempt assets of the assistance unit does not exceed the asset disregard, petitioning the court for release of the funds is not required.

- 3) A dependent child living with a blood related sibling must be included in the assistance unit. The amount of the trust fund shall be considered a nonexempt asset available to meet the needs of the entire assistance unit. If the amount of the trust fund and other nonexempt assets exceeds the asset disregard, eligibility does not exist. The case remains eligible for assistance for the forty-five (45) day period the caretaker relative is allowed to petition the court for release of the funds.

- 4) In cases where the child is not a blood related sibling of a dependent child from whom AFDC is requested or received, the entire amount of the trust fund shall be considered available to meet the child's needs only. When the amount of the trust fund and other nonexempt assets exceeds the asset disregard, eligibility no longer exists for the child. When the child with the trust fund is the only child in the assistance unit, eligibility for AFDC no longer exists.

- 5) At the end of forty-five (45) days, if the caretaker relative:

- A) does not provide verification that the caretaker relative has petitioned the court, the amount of the trust fund shall be considered a nonexempt asset available to the assistance unit and is applied to the asset disregard of the assistance unit if the child is a blood related sibling of a dependent child included in the assistance unit. For cases where the child is not a

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Section 112.150 Assets (Cont'd)

blood relative sibling of a dependent child included in the assistance unit, the eligibility of all other members of the assistance unit is not affected unless the child with the trust fund is the only child in the assistance unit, or

- B) provides verification that the caretaker has petitioned the court and a court denies the request for release of the funds, the amount of the trust fund shall be considered an exempt asset for the assistance unit, or
- C) provides verification the court will release the funds for the child, the released amount(s) shall be considered as follows:

- i) When the petition and court order direct the money be used for the child's income maintenance or do not specify a purpose, payments shall be budgeted as nonexempt unearned income. If the child is a blood related sibling of a child included in the assistance unit the child is included in the assistance unit and the income from the trust is budgeted against the assistance unit. If the child is not a blood related sibling of a dependent child included in the assistance unit, the caretaker relative may choose to delete the child from the assistance unit. The income shall be considered to meet the child's needs only.

- ii) When the petition and court order direct the money be used for the child's income maintenance or do not specify a purpose, a one-time only release of the money shall be considered an asset subject to the asset disregard if the child with the trust fund is included with a blood related sibling who is a dependent child included in the assistance unit.

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Section 112.150

Assets (Cont'd)

If the child is not a blood related sibling of a dependent child included in the assistance unit, the caretaker relative may choose to delete the child from the case. The other assistance unit members shall remain eligible.

iii) When the petition and court order direct the money be used for a specific purpose other than the income maintenance needs of the child, the money shall be considered exempt and does not affect eligibility, or

D) provides verification the court was petitioned but a decision was not made, assistance shall be continued for the child and a control for thirty (30) days established.

e) An applicant/recipient can appeal the Department's decision relating to consideration of assets in accordance with 89 Ill. Adm. Code 104: Subpart A.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

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- 1) The Heading of the Part: AID TO THE AGED, BLIND OR DISABLED
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Number: Proposed Action:
113.140 Amendment
- 4) Statutory Authority: Sections 3-1.2, 3-5 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 3-1.2, 3-5 and 12-13)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking revises the Department's policy on jointly held assets to provide that only assets that are owned, available or accessible to the individual will be considered when determining eligibility for assistance under the AABD Program.
- 6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
- 8) Does this Proposed Amendment contain incorporations by reference? No
- 9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
113.9	Amendment	February 23, 1990 (14 Ill. Reg. 2811)
113.141	Amendment	June 15, 1990 (14 Ill. Reg. 9307)
113.261	New Section	May 25, 1990 (14 Ill. Reg. 7813)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested

parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762, (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section
113.1 Description of the Assistance Program
113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

- Section
- 113.9 Client Cooperation
- 113.10 Citizenship
- 113.20 Residence
- 113.30 Age
- 113.40 Blind
- 113.50 Disabled
- 113.60 Living Arrangement
- 113.70 Institutional Status
- 113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

- Section
- 113.100 Unearned Income
- 113.101 Budgeting Unearned Income
- 113.102 Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
- 113.103 Initial Receipt of Unearned Income
- 113.104 Termination of Unearned Income
- 113.105 Unearned Income In-Kind
- 113.106 Earmarked Income
- 113.107 Lump Sum Payments and Income Tax Refunds
- 113.108 Protected Income
- 113.109 Earned Income
- 113.110 Budgeting Earned Income
- 113.111 Protected Income
- 113.112 Earned Income
- 113.113 Budgeting Earned Income
- 113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
- 113.115 Initial Employment
- 113.116 Budgeting Earned Income For Contractual Employees

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Section	Budgeting Earned Income For Non-contractual School Employees
113.117	Termination of Employment
113.118	Exempt Earned Income
113.120	Recognized Employment Expenses
113.125	Income From Work/Study/Training Programs
113.130	Earned Income From Self-Employment
113.131	Earned Income From Roomer and Boarder
113.132	Earned Income From Rental Property
113.133	Earned Income In-Kind
113.134	Payments from the Illinois Department of Children and Family Services
113.139	Assets
113.140	Exempt Assets
113.141	Asset Disregard
113.142	Deferral of Consideration of Assets
113.143	Property Transfers For Applications Filed Prior To October 1, 1989
113.154	Property Transfers For Applications Filed On Or After October 1, 1989
113.155	Court Ordered Child Support Payments of Parent/Step-Parent
113.156	Sponsors of Aliens
113.157	Assignment of Medical Support Rights
113.160	
SUBPART D: PAYMENT AMOUNTS	
Section	Payment Levels for AABD
113.245	Personal Allowance
113.246	Personal Allowance Amounts
113.247	Shelter
113.248	Utilities and Heating Fuel
113.249	Laundry
113.250	Telephone
113.251	Transportation, Lunches, Special Fees
113.252	Allowances for Increase in SSI Benefits
113.253	Nursing Care or Personal Care in Home Not Subject to Licensing
113.254	Sheltered Care in a Licensed Group Care Facility
113.255	Shopping Allowance
113.256	Special Allowances for Blind and Partially Sighted (Blind Only)
113.257	Home Delivered Meals
113.258	AABD Fuel and Utility Allowances By Area
113.259	Sheltered Care Rates
113.260	

Section	Persons Who May Be Included In the Assistance Unit
113.300	Grandfathered Cases
113.301	Interim Assistance
113.302	Special Needs Authorizations
113.303	Retrospective Budgeting
113.304	Budgeting Schedule
113.305	Purchase and Repair of Household Furniture
113.306	Property Repairs and Maintenance
113.307	Excess Shelter Allowance
113.308	Redetermination of Eligibility
113.320	Attorney's Fees for SSI Appellants
113.500	

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 26, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June

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1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 11921, 10970, effective August 26, 1982; amended at 6 Ill. Reg. 12293, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985;

amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 6996, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. _____, effective June 15, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

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SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 113.140 Assets

a) The value of non-exempt assets shall be considered in determining eligibility for and the amount of the an assistance payment.

b) The entire equity value of jointly held assets shall be considered in determining eligibility for, and the amount of the an assistance payment, unless:

- 1) The asset is a joint income tax refund; or
- 2) The client documents that he/she does not have access to the asset. Appropriate documents may include, but are not limited to, bank documents, signature cards, trust documents, divorce papers, and papers from court proceedings; or

3) The client (applicant/recipient), has jointly-held non-exempt assets with a spouse who is an applicant or recipient of any Illinois Department of Public Aid assistance program other than food stamps, and from whom the client is separated due to residence in a group-care facility. Half the equity value of the joint asset will be considered as belonging to the group-care client. The amount considered as belonging to the spouse of the group-care client will be one-half the equity value if the spouse is an applicant or recipient of the AAPB program. However, if the client or spouse can document the amount of his/her legal interest in the asset and that such amount is less than one-half of the equity value of the non-exempt asset, the documented amount shall be considered appropriate documentation may include, but is not limited to, bank documents, trust documents, signature cards, divorce papers, or court orders.

3) The asset is held jointly with a client(s) of any Illinois Department of Public Aid program, other than Food Stamps (consider an equal share of the equity value as belonging to the client); or

4) The client can document the amount of his legal interest in the asset, and that such amount is

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NOTICE OF PROPOSED AMENDMENT

Section 113.140 Assets (Cont'd)

less than the entire value of the asset, the documented amount shall be considered. Appropriate documentation, may include, but is not limited to, bank documents, trust documents, signature cards, divorce papers, or court orders; or

- 5) The client documents that the asset or a portion of the asset is not owned by the client and the client's accessibility to the asset is changed.

(Source: Amended at 14 Ill. Reg. _____, effective June 15, 1990)

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1) The Heading of the Part: GENERAL ASSISTANCE2) Code Citation: 89 Ill. Adm. Code 1143) Section Number: Proposed Action:

114.250

Amendment

4) Statutory Authority: Sections 6-1.2, 6-2 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 6-1.2, 6-2 and 12-13)5) A Complete Description of the Subjects and Issues Involved: This rulemaking revises the Department's policy on jointly held assets to provide that only assets that are owned, available or accessible to the individual will be considered when determining eligibility for assistance under the General Assistance Program.6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No7) Does this rulemaking contain an automatic repeal date?Yes ☐ No ☒8) Does this Proposed Amendment contain incorporations by Reference? No9) Are there any other Proposed Amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
114.9	Amendment	February 23, 1990 (14 Ill. Reg. 2821)
114.85	Amendment	May 11, 1990 (14 Ill. Reg. 7015)
114.140	Repealed	April 13, 1990 (14 Ill. Reg. 5385)
114.210	Amendment	March 16, 1990 (14 Ill. Reg. 4070)
114.235	Amendment	April 20, 1990 (14 Ill. Reg. 5713)
114.241	Amendment	April 20, 1990 (14 Ill. Reg. 5385)

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Section Numbers Proposed Action Illinois Register Citation

114.251 Amendment March 16, 1990
(14 Ill. Reg. 4070)114.270 Amendment December 8, 1989
(13 Ill. Reg. 19146)114.450 New Section April 13, 1990
(14 Ill. Reg. 5385)114.452 New Section April 13, 1990
(14 Ill. Reg. 5385)114.454 New Section April 13, 1990
(14 Ill. Reg. 5385)114.456 New Section April 13, 1990
(14 Ill. Reg. 5385)114.458 New Section April 13, 1990
(14 Ill. Reg. 5385)114.460 New Section April 13, 1990
(14 Ill. Reg. 5385)114.462 New Section April 13, 1990
(14 Ill. Reg. 5385)114.464 New Section April 13, 1990
(14 Ill. Reg. 5385)114.466 New Section April 13, 1990
(14 Ill. Reg. 5385)114.500 New Section April 13, 1990
(14 Ill. Reg. 5385)114.502 New Section April 13, 1990
(14 Ill. Reg. 5385)114.504 New Section April 13, 1990
(14 Ill. Reg. 5385)114.506 New Section April 13, 1990
(14 Ill. Reg. 5385)114.508 New Section April 13, 1990
(14 Ill. Reg. 5385)

Section Numbers	Proposed Action	Illinois Register Citation
114.510	New Section	April 13, 1990 (14 Ill. Reg. 5385)
114.512	New Section	April 13, 1990 (14 Ill. Reg. 5385)
114.514	New Section	April 13, 1990 (14 Ill. Reg. 5385)
114.516	New Section	April 13, 1990 (14 Ill. Reg. 5385)
114.518	New Section	April 13, 1990 (14 Ill. Reg. 5385)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Amendment begins on the next page:

Section	Client Cooperation
114.9	Citizenship
114.10	Residence
114.20	Age
114.30	Relationship
114.40	Living Arrangement
114.50	Social Security Numbers
114.52	Work Registration Requirements
114.60	Individuals Exempt From Work Registration Requirements
114.61	Job Service Registration
114.62	Failure to Maintain Current Job Service Registration
114.63	Responsibility to Seek Employment
114.64	Initial Employment Expenses
114.70	Work and Training Programs
114.80	Project Chance Participation/Cooperation Requirements (Renumbered)
114.90	General Assistance Jobs Program (Repealed)
114.100	

SUBPART C: PROJECT ADVANCE

Section	Project Advance
114.108	Project Advance Participation Requirements of
114.109	Adjudicated Fathers
114.110	Project Advance Cooperation Requirements of
	Adjudicated Fathers
114.111	Project Advance Sanctions
114.113	Project Advance Good Cause for Failure to Comply
114.115	Individuals Exempt From Project Advance
114.117	Project Advance Supportive Services

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 114

GENERAL ASSISTANCE

Section	Description of the Assistance Program
114.1	Incorporation By Reference
114.5	

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

SUBPART D: PROJECT CHANCE

Section	Employment, Training, Rehabilitation, and Advocacy for General Assistance Programs Administered by the Illinois Department of Public Aid
114.120	Persons Required to Participate in Employment and Training
114.121	Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act
114.122	Persons in Need of Work Rehabilitative Services (WRS) to Become Employable
114.123	Employment and Training Participation/Cooperation Requirements
114.124	Employment and Training Program Orientation
114.125	Employment and Training Program Full Assessment
114.126	Process/Development of an Employment Plan
114.127	Employment and Training Program Components
114.128	Employment and Training Sanctions
114.129	Good Cause For Failure to Cooperate With Work and Training Participation Requirements
114.130	Employment and Training Supportive Services
114.140	Employment Child Care

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section	
114.200	Unearned Income
114.201	Budgeting Unearned Income
114.202	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.203	Initial Receipt of Unearned Income
114.204	Termination of Unearned Income
114.210	Exempt Unearned Income
114.220	Education Benefits
114.221	Unearned Income In-Kind
114.222	Earmarked Income
114.223	Lump Sum Payments
114.224	Protected Income
114.225	Earned Income
114.226	Budgeting Earned Income
114.227	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.228	Initial Employment
114.229	Termination of Employment
114.230	Exempt Earned Income
114.235	Recognized Employment Expenses

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section	Income From Work/Training Program (Repealed)
1114.240	Income From Self-Employment
1114.241	Earned Income From Roomer and Boarder
1114.242	Earned Income From Rental Property
1114.243	Earned Income In-Kind
1114.244	Payments from the Illinois Department of Children and Family Services
1114.246	Budgeting Earned Income For Contractual Employees
1114.247	Budgeting Earned Income For Non-contractual School Employees
1114.250	Assets
1114.251	Exempt Assets
1114.252	Asset Disregards
1114.260	Deferral of Consideration of Assets (Repealed)
1114.270	Property Transfers
1114.280	Supplemental Payments

SUBPART F: PAYMENT AMOUNTS

Section	Payment Levels for General Assistance
114.350	Payment Levels in Group I Counties
114.351	Payment Levels in Group II Counties
114.352	Payment Levels in Group III Counties
114.353	

SUBPART G: OTHER PROVISIONS

Section	Persons Who May Be Included In the Assistance Unit
1114.400	Eligibility of Strikers
1114.401	Special Needs Authorizations
1114.402	Institutional Status
1114.403	Retrospective Budgeting
1114.404	Budgeting Schedule
1114.405	Redetermination of Eligibility
1114.420	Six Month Extension of Medical Assistance Due to Increased Income From Employment
1114.430	

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987 1989, ch. 23, pars. 6-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective 1978.

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August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment

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at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8142, 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding section being codified at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 27, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 10 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 5297, 2307, effective January 16, 1987; amended at 11 Ill. Reg. 6238, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days;

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emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20389, effective December 14, 1987; amended at 11 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16720, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989 for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3460, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section 114.250 Assets

- a) The value of non-exempt assets shall be considered in determining eligibility for and the amount of the assistance payment an assistance payment.
- b) The entire equity value of jointly held assets shall be considered in determining eligibility for and the amount of the assistance payment, unless an assistance payment.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 114.250 Assets (Cont'd)

payment, unless:

- 1) The asset is a joint income tax refund; or
 - 2) The client documents that he/she does not have access to the asset. Appropriate documents may include, but are not limited to, bank documents, signature cards, trust documents, divorce papers, and papers from court proceedings.
 - 3) The client can document the amount of his legal interest in the asset, and that such amount is less than the entire value of the asset, the documented amount shall be considered. Appropriate documentation may include, but is not limited to, bank documents, trust documents, signature cards, divorce papers, or court orders; or
 - 4) The asset is held jointly with a client(s) of any Illinois Department of Public Aid assistance program, other than Food Stamps (consider an equal share of the equity value as belonging to the client); or
 - 5) The client documents that the asset or a portion of the asset is not owned by the client and the client's accessibility to the asset is changed.
- c) Income tax refunds
- 1) Income tax refunds shall be considered available assets and are to be considered against the appropriate nonexempt asset limitation of the assistance unit. One-half of joint tax refunds shall be considered available for each payee.
 - 2) A client who declares that less than one-half of the joint income tax was received may claim an exception. Only the amount claimed to be received shall be considered.
- d) Trust Fund for the Benefit of a Dependent Child
- 1) When trust fund exists in the name of a child or for the benefit of a child included in the

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 114.250 Assets (Cont'd)

assistance unit and the amount of the trust fund by itself or combined with other nonexempt assets of the assistance unit exceeds the asset disregard, the caretaker shall be allowed forty-five (45) days to petition the court for release of the funds. When someone other than the caretaker is the trustee of the trust fund, the caretaker is responsible for taking action within forty-five (45) days of the Department's becoming aware of the existence of the trust fund to petition the court to order the trustee to release the funds. The child for whom the trust fund was established shall remain in the assistance unit for the forty-five (45) days.

2) When the trust fund combined with other nonexempt assets of the assistance unit does not exceed the asset disregard, petitioning the court for release of the funds is not required.

3) At the end of forty-five (45) days, if the caretaker:

A) does not provide verification that the court has been petitioned, the amount of the trust fund shall be considered a nonexempt asset and shall be applied to the asset disregard of the assistance unit. When the trust fund and other nonexempt assets exceed the asset disregard, the child may be deleted or if the child is the only child in the assistance unit, the case may be changed to an adult only case(s). The eligibility of all other members of the assistance unit shall not be affected unless the child with the trust fund is the only child in the assistance unit, or

B) provides verification that the court has been petitioned and the court denied the request for release of the funds, the amount of the trust fund shall be considered an exempt asset, or

C) provides verification the court will release the funds for the child, the

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 114.250 Assets (Cont'd)

released amount(s) shall be considered as follows:

i) When the petition and court order direct the money be used for the child's income maintenance needs or do not specify a purpose, payments shall be budgeted as nonexempt unearned income. The caretaker may request the child be removed from the assistance unit if the earmarked income meets the child's needs. The earmarked income shall be considered available to meet the needs of the child only and the other assistance unit members remain eligible.

ii) When the petition and court order direct the money be used for the child's income maintenance needs or do not specify a purpose, a one-time only release of the money shall be considered an asset subject to the asset disregard. If the payment plus other nonexempt assets exceed the asset disregard, the caretaker may choose to delete the child from the assistance unit. The other assistance unit members shall remain eligible.

iii) When the petition and court-order direct the money be used for a specific purpose other than the income maintenance needs of the child, the money shall be considered exempt and does not affect eligibility, or

D) provides verification the court was petitioned but a decision was not made, assistance shall be continued for the child and a control established for 30 days.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

1) The Heading of the Part: HOSPITAL SERVICES2) Code Citation: 89 Ill. Adm. Code 1483) Section Number: Proposed Action:

148.360

Amendment

4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-13)5) A Complete Description of the Subjects and Issues Involved: The Department on Alcohol and Substance Abuse (DASA) has reduced the minimum hours required for intensive outpatient treatment to 15 hours. This Department wants to change its corresponding rule to be consistent with DASA's requirement.6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No7) Does this rulemaking contain an automatic repeal date?Yes No x 8) Does this Proposed Amendment contain incorporations by reference? No9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
148.120	Amendment	June 15, 1990 (14 Ill. Reg. 9331)
148.140	Amendment	April 13, 1990 (14 Ill. Reg. 5434)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Daniel Leikvold, Office of the General Counsel, Illinois Department of

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 11, 1990B) Types of small businesses affected: Medical ProvidersC) Reporting, bookkeeping or other procedures required for compliance: No new procedures requiredD) Types of professional skills necessary for compliance: No new skills required

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
HOSPITAL SERVICES

Section	Hospital Services
148.10	Participation
148.20	General Requirements
148.30	Special Requirements
148.40	Covered Hospital Services
148.50	Hospital Services Not Covered
148.60	Limitation On Hospital Services
148.70	Transplants
148.80	Heart Transplants
148.90	Liver Transplants
148.100	Bone Marrow Transplants
148.110	Disproportionate Share Hospital Adjustments
148.120	Payment for Inpatient Services for GA
148.130	Hospital Outpatient and Clinic Services
148.140	Payment for Hospital Services During Fiscal Year 1982
148.150	Payment for Hospital Services During Fiscal Year 1983
148.160	Limits on Length of Stay by Diagnosis
148.170	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting
148.180	Copayments
148.190	Payment Methodology
148.200	Non-Participating Hospitals
148.210	Pre July 1, 1989 Services
148.220	Post June 30, 1989 Services
148.230	Prepayment Review
148.240	Base Year Costs
148.250	Restructuring Adjustment
148.260	Inflation Adjustment
148.270	Groupings
148.280	Rate Calculation
148.290	Payment
148.300	Review Procedure
148.310	Alternatives
148.320	Exemptions
148.330	Subacute Alcoholism and Substance Abuse Services
148.340	Definitions
148.350	Types of Subacute Alcoholism and Substance Abuse Services
148.360	Payment for Subacute Alcoholism and Substance Abuse Services
148.370	

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section	Rate Appeals for Subacute Alcoholism and Substance Abuse Services
148.380	Hearings
148.390	

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; amended at 14 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 148.360	Types of Subacute Alcoholism and Substance Abuse Services
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The specific types of subacute services for which payment can be made are:

- a) Outpatient treatment - the provision of face to face diagnostic and individual, group, or family treatment on a scheduled or non-scheduled basis to an individual who in the clinical judgment of a qualified treatment professional is experiencing a problem with alcohol and/or drugs (for example, family, social, financial, employment, educational, and/or legal). These services shall be delivered in accordance with an individual treatment plan recommended by a physician. Services shall include, but not be limited to assessment, evaluation, diagnosis, and subsequent individual, group, or family counseling, case coordination, aftercare, and follow-up. Outpatient services may be provided in a recipient's place of residence or other off-site location when required because of illness, disability, or infirmity and documented in the recipient's treatment plan.

- b) Intensive Outpatient Treatment Services
- 1) The provision of diagnostic and individual or

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 148.360 Types of Subacute Alcoholism and Substance Abuse Services (Cont'd.)

group treatment on a scheduled-only basis to an individual who in the clinical judgment of a qualified treatment professional is experiencing a problem with alcohol and/or drugs (for example, family, social, financial, employment, educational, and/or legal). These services shall be delivered in accordance with an individual's treatment plan recommended by a physician.

- 2) Intensive outpatient treatment is a structured program offered a minimum of four days or evenings per week, includes a minimum of 20 15 hours of treatment services per recipient per week, and must occur in a licensed subacute setting (see 77 Ill. Adm. Code 2058). Treatment services shall include, but are not limited to assessment, evaluation, diagnosis, and subsequent individual, group or family counseling, education, case coordination, aftercare, and follow-up. This programmatic scope is required unless a specific waiver has been granted by the licensing authority.

- c) Detoxification - the provision of immediate physiological stabilization, diagnosis, and short term treatment (for example, up to five days) on a non-scheduled basis to an individual who is in the clinical judgment of the qualified treatment professional in accordance with 77 Ill. Adm. Code 2058 intoxicated or experiencing withdrawal from the ingestion of alcohol, but whose physical and emotional condition does not require the intensity of an acute care setting. Services are provided in a licensed subacute residential setting (see 77 Ill. Adm. Code 2058) and shall include, but are not limited to assessment, evaluation, diagnosis, determination of need for more specialized medical care, rest under close observation, individual counseling, case coordination and subsequent referral, room and board, meals, and staff supervision.

- d) Ancillary diagnostic services - Psychiatric evaluations performed by a psychiatrist to determine whether an individual's primary condition is attributable to the effects of an ingested substance

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section 148.360 Types of Subacute Alcoholism and Substance Abuse Services (Cont'd.)

or to a diagnosed psychiatric or psychological disorder. Ancillary services may be provided in a licensed treatment facility (see 77 Ill. Adm. Code 2058) or in the psychiatrist's office.

- e) Residential Rehabilitation - The provision of diagnostic services and individual or group treatment on a scheduled-only residential basis in a licensed subacute setting. This service is designed to reduce or eliminate, through a controlled milieu, an individual's intake of alcohol and/or other substances. Residential rehabilitation must be delivered in accordance with an individual treatment plan recommended by a physician. Services must include, but are not limited to assessment, evaluation, diagnosis, and subsequent individual, group, or family counseling, education, case coordination, aftercare and followup. Residential rehabilitation is a structured residential program offered seven days per week and includes a minimum of 25 hours of treatment activities per client per week. Individuals experiencing active psychotic manifestations, or other severe mental or physical illness which requires immediate acute medical or psychiatric care, should not be admitted to residential rehabilitation. In addition, the individual shall not be intoxicated, incapacitated due to the effects of alcohol or other drugs, or in withdrawal.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part:

Intermediate Care for the Developmentally Disabled Facilities Code

2) Code Citation:

77 Ill. Adm. Code 350

3) Section Numbers:

350.330
350.680
350.1220
350.3220
350.3240
350.3260
350.3710
350.3720
350.3730
350.3750
350.3770
350.3780
350.3810
350.3880
350.3900
350.3940
350.4010
350. Table D
350. Table E

Proposed Action:

Amendments
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4) Statutory Authority:

The Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 4151-101 et seq., as amended by Public Act 85-1183, effective August 13, 1988; Public Act 85-1378, effective September 1, 1988; Public Act 86-130, effective August 3, 1989, Sections 3 and 4 effective January 1, 1990; Public Act 86-486, effective January 1, 1990; and Public Act 86-1013, effective January 3, 1990).

5) A Complete Description of the Subjects and Issues Involved:

The following amendments are being proposed by the Department of Public Health to implement legislation passed by the 86th General Assembly amending the Nursing Home Care Act. Related amendments to the rules governing the licensure of skilled nursing and intermediate care facilities (77 Ill. Adm. Code 300), sheltered care facilities (77 Ill. Adm. Code 330), and long-term care facilities for persons under age 22 (77 Ill. Adm. Code 390) are also being proposed.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Definition of facility: The Department is proposing to amend the definition of "facility" in Section 350.330 to implement Public Act 86-130, which amends the Nursing Home Care Act to exempt from the definition of "facility" any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well recognized church or religious denomination.

Christian Science facilities: In Section 350.1220, the Department is deleting a provision stating that residents in facilities operated under bona fide Christian Science auspices may be exempt from the requirement that the services of an Illinois Licensed Physician be available to every resident of a facility. Pursuant to Public Act 86-130, such facilities are no longer required to be licensed.

Medical treatment and procedures: Section 350.3220 is being amended in accordance with an amendment to Section 2-104(b) of the Nursing Home Care Act that requires all medical treatment and procedures to be administered as ordered by a physician. All new physician orders are to be reviewed by the facility's director of nursing or charge nurse designee within 24 hours after issuance. In addition, every woman resident of child-bearing age is to receive routine obstetrical and gynecological evaluations and necessary prenatal care. Guidelines of the American College of Obstetricians and Gynecologists are included to define more clearly what constitutes "routine obstetrical and gynecological evaluations and necessary prenatal care." These changes are necessitated by Public Act 86-1013.

Employee or resident as perpetrator of abuse: Also in accordance with Public Act 86-1013, the amendment of Section 350.3240 is proposed to include provisions concerning the perpetration of abuse by residents or employees. An employee who is the perpetrator of abuse will immediately be barred from any further contact with residents of the facility, pending the outcome of any further investigation, prosecution or disciplinary action against the employee. The condition of a resident who is the perpetrator of abuse will be evaluated to determine the most suitable therapy and placement for the resident, considering the safety of the resident as well as the safety of other residents and employees of the facility.

Personal needs allowance: The Department is proposing the amendment of Section 300.3260 to implement Public Act 86-486, which requires facilities to take all steps necessary to ensure that a personal needs allowance that is placed in a resident's personal account is used exclusively by the resident or for the benefit of the resident. A definition of the term "personal needs allowance" is also included.

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In addition to the amendments implementing recently enacted legislation, the Department is proposing additional amendments to address issues that have arisen in administering the rules.

Consultation and Nursing Services: The Department is amending Section 350.3750 to include a provision, inadvertently omitted from a previous rulemaking, stating that the need for training or supervision in self-medication shall not, in and of itself, constitute a need for professional nursing services.

Capacity of intermediate care facilities for the developmentally disabled: The capacity of intermediate care facilities for the developmentally disabled of 15 beds or less (ICF/DD-15) is being increased to 16 in response to a suggestion of the Long-Term Care Facility Advisory Board. Because facilities are usually designed for double room occupancy, allowing an even rather than odd number for resident capacity will maximize the facilities' use of room space.

Competency testing for developmental disabilities aides: Section 350.680 is being amended to eliminate the requirement that developmental disabilities aides pass the Department-approved nursing assistant competency examination. This requirement was inadvertently included in the rules adopted December 1, 1989. The competency examination currently approved by the Department is not applicable to developmental disabilities aides. In addition, completion of a nursing arts course will not be accepted as qualification as a developmental disabilities aide.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of this notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ☐ No ☒

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If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☐

9) Are there any other Proposed Amendments Pending on this Part?

Yes ☒ No ☐

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
350.110	Amendments	14 Ill. Reg. 2210
350.120	Amendments	14 Ill. Reg. 2210
350.1910	Amendments	14 Ill. Reg. 2210
350.2010	Amendments	14 Ill. Reg. 2210
350.2030	Amendments	14 Ill. Reg. 2210
350.2220	Amendments	14 Ill. Reg. 2210
350.2720	Amendments	14 Ill. Reg. 2210
350.3020	Amendments	14 Ill. Reg. 2210
350.3030	Amendments	14 Ill. Reg. 2210
350.3230	Amendments	14 Ill. Reg. 2210

10) Statement of Statewide Policy Objectives:

Please specify: This rulemaking neither creates nor expands a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of

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the Department of Commerce and Community Affairs:

June 5, 1990

B) Type of Small Businesses Affected:

Intermediate Care Facilities for persons with developmental disabilities.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

No additional reporting, bookkeeping or other procedures are required for compliance.

D) Types of Professional Skills Necessary for Compliance:

No additional professional skills are necessary for compliance

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 350

INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
350.110	General Requirements
350.120	Application for License
350.130	Licensee
350.140	Issuance of an Initial License for a New Facility
350.150	Issuance of an Initial License Due to a Change of Ownership
350.160	Issuance of a Renewal License
350.165	Criteria for Adverse Licensure Actions
350.170	Denial of Initial License
350.175	Denial of Renewal of License
350.180	Revocation of License
350.190	Experimental Program Conflicting With Requirements
350.200	Inspections, Surveys, Evaluations and Consultation
350.210	Filing an Annual Attested Financial Statement
350.220	Information to Be Made Available to the Public By the Department
350.230	Information to Be Made Available to the Public By the Licensee
350.240	Municipal Licensing
350.250	Ownership Disclosure
350.260	Issuance of Conditional Licenses
350.270	Monitor and Receivership
350.272	Determination to Issue a Notice of Violation or Administrative Warning
350.274	Determination of the Level of a Violation
350.276	Notice of Violation
350.277	Administrative Warning
350.278	Plans of Correction
350.280	Reports of Correction
350.282	Conditions for Assessment of Penalties
350.284	Calculation of Penalties
350.286	Determination to Assess Penalties
350.288	Reduction or Waiver of Penalties
350.290	Quarterly List of Violators
350.300	Alcoholism Treatment Programs In Long-Term Care Facilities
350.310	Department May Survey Facilities Formerly Licensed
350.320	Waivers
350.330	Definitions
350.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

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350.510 Administrator

SUBPART C: POLICIES

350.610 Management Policies
 350.620 Resident Care Policies
 350.630 Admission and Discharge Policies
 350.640 Contract Between Resident and Facility
 350.650 Residents' Advisory Council
 350.660 General Policies
 350.670 Personnel Policies
 350.675 Initial Health Evaluation for Employees
 350.680 Developmental Disabilities Aides
 350.685 Student Interns
 350.690 Disaster Preparedness
 350.700 Serious Incidents and Accidents

SUBPART D: PERSONNEL

350.810 Personnel
 350.820 Consultation Services
 350.830 Personnel Policies

SUBPART E: RESIDENT LIVING SERVICES

350.1010 Service Programs
 350.1020 Psychological Services
 350.1030 Social Services
 350.1040 Speech Pathology and Audiology Services
 350.1050 Recreational and Activities Services
 350.1060 Training and Habilitation Services
 350.1070 Training and Habilitation Staff

SUBPART F: HEALTH SERVICES

350.1210 Health Services
 350.1220 Physician Services
 350.1225 Tuberculin Skin Test Procedures
 350.1230 Nursing Services
 350.1240 Dental Services
 350.1250 Physical and Occupational Therapy Services

SUBPART G: MEDICATIONS

350.1410 Medication Policies and Procedures
 350.1420 Conformance with Physician's Orders
 350.1430 Administration of Medication
 350.1440 Labeling and Storage

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350.1450 Control of Narcotics and Legend Drugs

SUBPART H: RESIDENT AND FACILITY RECORDS

350.1610 Resident Record Requirements
 350.1620 Content of Medical Records
 350.1630 Confidentiality of Resident's Records
 350.1640 Records Pertaining to Residents' Property
 350.1650 Retention and Transfer of Resident Records
 350.1660 Other Resident Record Requirements
 350.1670 Staff Responsibility for Medical Records
 350.1680 Retention of Facility Records
 350.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

350.1810 Director of Food Services
 350.1820 Dietary Staff in Addition to Director of Food Services
 350.1830 Hygiene of Dietary Staff
 350.1840 Diet Orders
 350.1850 Adequacy of Diet and Meal Pattern
 350.1860 Therapeutic Diets
 350.1870 Scheduling Meals
 350.1880 Menu Planning
 350.1890 Food Preparation and Service
 350.1900 Food Handling Sanitation
 350.1910 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

350.2010 Maintenance
 350.2020 Housekeeping
 350.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

350.2210 Furnishings
 350.2220 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

350.2410 Codes
 350.2420 Water Supply
 350.2430 Sewage Disposal
 350.2440 Plumbing

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

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350.2610 Applicability of Standards
350.2620 Codes and Standards
350.2630 Preparation of Drawings and Specifications
350.2640 Site
350.2650 Administration and Public Areas
350.2660 Nursing Unit
350.2670 Dining, Living, Activities Rooms
350.2680 Therapy and Personal Care
350.2690 Service Departments
350.2700 General Building Requirements
350.2710 Structural
350.2720 Mechanical Systems
350.2730 Plumbing Systems
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SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE
CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

350.2910 Applicability
350.2920 Codes and Standards
350.2930 Preparation of Drawings and Specifications
350.2940 Site
350.2950 Administration and Public Areas
350.2960 Nursing Unit
350.2970 Living, Dining, Activities Rooms
350.2980 Treatment and Personal Care
350.2990 Service Departments
350.3000 General Building Requirements
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350.3020 Mechanical Systems
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SUBPART O: RESIDENT'S RIGHTS

350.3210 General
350.3220 Medical and Personal Care Program
350.3230 Restraints
350.3240 Abuse and Neglect
350.3250 Communication and Visitation
350.3260 Resident's Funds
350.3270 Residents' Advisory Council
350.3280 Contract With Facility
350.3290 Private Right of Action
350.3300 Transfer or Discharge
350.3310 Complaint Procedures
350.3320 Confidentiality
350.3330 Facility Implementation

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FOR THE DEVELOPMENTALLY DISABLED OF 16+5 BEDS OR LESS

350.3710 Applicability of Other Provisions of this Part
350.3720 Administration
350.3730 Admission and Discharge Policies
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350.3770 Food Services
350.3780 Codes and Standards
350.3790 Administration and Public Areas
350.3800 Bedrooms
350.3810 Nurses Station
350.3820 Bath and Toilet Rooms
350.3830 Utility Rooms
350.3840 Living, Dining, Activity Rooms
350.3850 Therapy and Personal Care
350.3860 Kitchen
350.3870 Laundry Room
350.3880 General Building Requirements
350.3890 Corridors
350.3900 Special Care Room
350.3910 Exit Facilities and Subdivision of Floor Areas
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350.3930 Hazardous Areas and Combustible Storage
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350.4010 Construction Types
350.4020 Equivalencies
350.4030 New Construction Requirements

SUBPART Q: DAY CARE PROGRAMS

350.4210 Day Care in Long-Term Care Facilities

APPENDIX A

Classification of Distinct Part of a Facility for Different
Levels of Service

APPENDIX B

Federal Requirements Regarding Residents' Rights

APPENDIX C

Seismic Zone Map

APPENDIX D

Forms for Day Care in Long-Term Care Facilities

TABLE A

Sound Transmission Limitations in New Intermediate Care
Facilities for the Developmentally Disabled

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TABLE B	Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled
TABLE C	Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled
TABLE D	Food Service Sanitation Rules and Regulations, 77 Ill. Adm. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled at Sixteen Fifteen (16) (15) Beds or Less
TABLE E	Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen Fifteen (16) (15) Beds or Less
TABLE F	Disaster Preparedness Parameters - Relative Humidity and Temperature.

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq., as amended by P.A. 85-1183, effective August 13, 1988; and P.A. 85-1378, effective September 1, 1988; P.A. 86-130, effective August 3, 1989, Sections 3 and 4 effective January 1, 1990; P.A. 86-486, effective January 1, 1990; and Public Act 86-1013, effective January 3, 1990).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. _____, effective _____).

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NOTE: Italics and capitalization denote statutory language.

Section 350.330 Definitions

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

ABUSE - ANY PHYSICAL OR MENTAL INJURY OR SEXUAL ASSAULT INFLICTED ON A RESIDENT OTHER THAN BY ACCIDENTAL MEANS IN A FACILITY. (Section 1-103 of the Act)

ACCESS - THE RIGHT TO:

ENTER ANY FACILITY;

COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT WHO CONSENTS TO THE COMMUNICATION;

SEEK CONSENT TO COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT;

INSPECT THE CLINICAL AND OTHER RECORDS OF A RESIDENT WITH THE EXPRESS WRITTEN CONSENT OF THE RESIDENT;

OBSERVE ALL AREAS OF THE FACILITY EXCEPT THE LIVING AREA OF ANY RESIDENT WHO PROTESTS THE OBSERVATION. (Section 1-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-968, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988; Public Act 86-130, effective August 3, 1989, Sections 3 and 4 effective January 1, 1990; Public Act 86-486, effective January 1, 1990; and Public Act 86-1013, effective January 3, 1990).

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

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Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 350.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a Level A or level B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

AFFILIATE MEANS:

WITH RESPECT TO A PARTNERSHIP, EACH PARTNER THEREOF.

WITH RESPECT TO A CORPORATION, EACH OFFICER, DIRECTOR AND STOCKHOLDER THEREOF.

WITH RESPECT TO A NATURAL PERSON: ANY PERSON RELATED IN THE FIRST DEGREE OF KINSHIP TO THAT PERSON; EACH PARTNERSHIP AND EACH PARTNER THEREOF OF WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS A PARTNER; AND EACH CORPORATION IN WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS AN OFFICER, DIRECTOR OR STOCKHOLDER. (Section 1-106 of the Act)

Aide or Orderly - any person providing direct personal care, training or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area of cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

APPLICANT - ANY PERSON MAKING APPLICATION FOR A LICENSE. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

Autism - A syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; Mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the

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Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - a charge nurse is a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

Community Living Facility - see Facility, Community Living.

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse. Examples of physical abuse are restraining a resident, striking, slapping, hitting, or withholding food as punishment. Examples of mental abuse are swearing, threatening and seclusion.

Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 2301 et seq.).

Department - as used in this Part means the Illinois Department of Public Health.

Developmentally Disabled - those individuals whose disability is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other pathological conditions which generally originate before such individuals attain age 18, and which continue, or can be expected to continue, indefinitely, and which constitute a substantial functioning handicap to such individuals.

Developmental Disabilities (DD) Aide - any person who provides

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nursing, personal or habilitative care to residents of Intermediate Care Facilities for the Developmentally Disabled, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to DD aides include, but are not limited to, Program Aides, Program Technicians and Habilitation Aides. DD Aides must function under the supervision of a licensed nurse or a Qualified Mental Retardation Professional (QMRP).

Developmental Disability - a severe, chronic disability of a person which:

is attributable to a mental or physical impairment or combination of mental and physical impairments;

is manifest before age 22;

is likely to continue indefinitely;

results in substantial functional limitations in three or more of the following areas of major life activities:

self-care;

receptive and expressive language;

learning;

mobility;

self-direction;

capacity for independent living; and

economic self-sufficiency; and

reflects the persons' needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of life-long or extended duration and individually planned and coordinated.

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the

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American Dietetic Association; or

is a graduate of a Department-approved course that provides 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

has training and experience in food service supervision and management in a military service equivalent in content to the program in paragraph (2) or (3) of this definition.

Dietitian - a person who:

is eligible for registration by the American Dietetic Association; or

has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Supervision - means that work is performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

DIRECTOR - THE DIRECTOR OF PUBLIC HEALTH OR HIS DESIGNEE.
(Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

DISCHARGE - THE FULL RELEASE OF ANY RESIDENT FROM A FACILITY.
(Section 1-111 of the Act)

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices,

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methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility.

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Equivalent of a Graduate Licensed Practical Nurse - a licensed practical nurse, licensed by waiver who successfully passes the proficiency examination approved by the U.S. Department of Health and Human Services shall be considered the equivalent of a licensed practical nurse who is a graduate of an approved school of practical nursing for the purposes of this Part.

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Community Living - a place of residence as limited in these standards for between five and 80 ambulatory adults who are mildly or moderately mentally retarded with a potential for being absorbed into the mainstream of community life.

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when used in this Part is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled. Facilities with any number less than 50 percent of developmentally disabled residents, who are determined by the Department with consultation from the Division of Developmental Disabilities, Illinois Department of Mental Health and Developmental Disabilities to need organized social support and training programs, must comply with the program requirements in these minimum Standards.

FACILITY OR LONG-TERM CARE FACILITY - A PRIVATE HOME, INSTITUTION, BUILDING, RESIDENCE, OR ANY OTHER PLACE, WHETHER OPERATED FOR PROFIT

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OR NOT, OR A COUNTY HOME FOR THE INFIRM AND CHRONICALLY ILL OPERATED PURSUANT TO THE COUNTY HOME ACT (Ill. Rev. Stat. 1987, ch. 34, par. 5361 et seq.), AS NOW OR HEREAFTER AMENDED, OR BY A COUNTY PURSUANT TO "AN ACT IN RELATION TO HOMES FOR THE AGED" (Ill. Rev. Stat. 1987, ch. 34, par. 3561 et seq.) AS NOW OR HEREAFTER AMENDED, OR ANY SIMILAR INSTITUTION OPERATED BY A POLITICAL SUBDIVISION OF THE STATE OF ILLINOIS, WHICH PROVIDES, THROUGH ITS OWNERSHIP OR MANAGEMENT, PERSONAL CARE, SHELTERED CARE OR NURSING FOR THREE OR MORE PERSONS, NOT RELATED TO THE APPLICANT OR OWNER BY BLOOD OR MARRIAGE. IT INCLUDES SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES AS THOSE TERMS ARE DEFINED IN TITLE XVIII AND TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C.A. 1395 et seq. and 1936 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "FACILITY" DOES NOT INCLUDE THE FOLLOWING:

A HOME, INSTITUTION, OR OTHER PLACE OPERATED BY THE FEDERAL GOVERNMENT OR AGENCY THEREOF, OR BY THE STATE OF ILLINOIS;

A HOSPITAL, SANITARIUM, OR OTHER INSTITUTION WHOSE PRINCIPAL ACTIVITY OR BUSINESS IS THE DIAGNOSIS, CARE, AND TREATMENT OF HUMAN ILLNESS THROUGH THE MAINTENANCE AND OPERATION OF ORGANIZED FACILITIES THEREFORE, WHICH IS REQUIRED TO BE LICENSED UNDER THE HOSPITAL LICENSING ACT (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 142 et seq.) AS NOW OR HEREAFTER AMENDED; OR

ANY "FACILITY FOR CHILD CARE" AS DEFINED IN THE CHILD CARE ACT OF 1969 (Ill. Rev. Stat. 1987, ch. 23, par. 2211 et seq.) AS NOW OR HEREAFTER AMENDED; OR ~~Section 1-113 of the Act~~

ANY NURSING HOME OR SANATORIUM OPERATED SOLELY BY AND FOR PERSONS WHO RELY EXCLUSIVELY UPON TREATMENT BY SPIRITUAL MEANS THROUGH PRAYER, IN ACCORDANCE WITH THE CREED OR TENETS OF ANY WELL-RECOGNIZED CHURCH OR RELIGIOUS DENOMINATION. HOWEVER, SUCH NURSING HOME OR SANATORIUM SHALL COMPLY WITH ALL LOCAL LAWS AND RULES RELATING TO SANITATION AND SAFETY. (Section 1-113 of the Act)

Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

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Financial Responsibility - sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two month period of time.

Full-time - means on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

GUARDIAN - A PERSON APPOINTED AS A GUARDIAN OF THE PERSON OR GUARDIAN OF THE ESTATE, OR BOTH, OF A RESIDENT UNDER THE PROBATE ACT OF 1975 (Ill. Rev. Stat. 1987, ch. 110 1/2, par. 1-1 et seq.) AS NOW OR HEREAFTER AMENDED. (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not for profit corporation incorporated under, or qualified as a foreign corporation under, the General Not For Profit Corporation Act of 1986, as heretofore or hereafter amended (Ill. Rev. Stat. 1987, ch. 32, par. 101.01 et seq.); or, by a county pursuant to "AN ACT in relation to homes for the aged", as heretofore or hereafter amended (Ill. Rev. Stat. 1987, ch. 34, par. 3561 et seq.); or, pursuant to a trust or endowment established for nonprofit, charitable purposes, and which provides maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are 60 or more years of age.

Hospitalization - the care and treatment of a person in a hospital as

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an in-patient.

House Manager - a qualified person on duty 40 hours a week managing the Community Living Facility and responsible for its operation and its inhabitants.

Individual Educational Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Institutional Occupancy - when used in this Part means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of the Life Safety Code, National Fire Protection Association (1967 Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for The Developmentally Disabled (ICF/DD's) at least one member of the team shall be a Qualified Mental Retardation Professional.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act (111. Rev. Stat. 1987, ch. 111, pars. 3651 et seq.), as now or hereafter amended.

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

LICENSEE - THE PERSON OR ENTITY LICENSED TO OPERATE THE FACILITY AS PROVIDED UNDER THE ACT. (Section 1-115 of the Act)

Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

MAINTENANCE - FOOD, SHELTER, AND LAUNDRY SERVICES. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined

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by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Mobile Resident - any resident who is able to move about either independently or with the aid of assistive devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

NEGLECT - A FAILURE IN A FACILITY TO PROVIDE ADEQUATE MEDICAL OR PERSONAL CARE OR MAINTENANCE, WHICH FAILURE RESULTS IN PHYSICAL OR MENTAL INJURY TO A RESIDENT OR IN THE DETERIORATION OF A RESIDENT'S PHYSICAL OR MENTAL CONDITION. (Section 1-117 of the Act)

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

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Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

NURSE - A REGISTERED NURSE OR A LICENSED PRACTICAL NURSE AS DEFINED IN THE ILLINOIS NURSING ACT OF 1987 (111. Rev. Stat. 1987, ch. 111, par. 3501 et seq.) AS NOW OR HEREAFTER AMENDED. (Section 1-118 of the Act)

Nursing Assistant - Any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable distinct part of a facility consisting of all the beds within the distinct part, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered with the Department of Professional Regulation as an occupational therapist under the Illinois Occupational Therapy Practice Act (111. Rev. Stat. 1987, ch. 111, par. 3701 et seq.).

Occupational Therapy Assistant - a person who is registered with the Department of Professional Regulation as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act (111. Rev. Stat. 1987, ch. 111, par. 3701 et seq.).

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

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Oversight - general watchfulness and appropriate action to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

OWNER - THE INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER PERSON WHO OWNS A FACILITY. IN THE EVENT A FACILITY IS OPERATED BY A PERSON WHO LEASES THE PHYSICAL PLANT, WHICH IS OWNED BY ANOTHER PERSON, "OWNER" MEANS THE PERSON WHO OPERATES THE FACILITY, EXCEPT THAT IF THE PERSON WHO OWNS THE PHYSICAL PLANT IS AN AFFILIATE OF THE PERSON WHO OPERATES THE FACILITY AND HAS SIGNIFICANT CONTROL OVER THE DAY-TO-DAY OPERATIONS OF THE FACILITY, THE PERSON WHO OWNS THE PHYSICAL PLANT SHALL INCUR JOINTLY AND SEVERALLY WITH THE OWNER ALL LIABILITIES IMPOSED ON AN OWNER UNDER THE ACT. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

PERSONAL CARE - ASSISTANCE WITH MEALS, DRESSING, MOVEMENT, BATHING, OR OTHER PERSONAL NEEDS, OR GENERAL SUPERVISION AND OVERSIGHT OF THE PHYSICAL AND MENTAL WELL-BEING OF AN INDIVIDUAL, EXCLUSIVE OF NURSING, WHO BECAUSE OF AGE, PHYSICAL OR MENTAL DISABILITY, EMOTIONAL OR BEHAVIOR DISORDER, OR MENTAL RETARDATION IS INCAPABLE OF MAINTAINING A PRIVATE, INDEPENDENT RESIDENCE, OR WHO IS INCAPABLE OF MANAGING HIS PERSON WHETHER OR NOT A GUARDIAN HAS BEEN APPOINTED. (Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 (111. Rev. Stat. 1987, ch. 111, par. 4121 et seq.).

Physical Therapy Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered with the Department of Professional Regulation as a physical therapist under the Illinois Physical Therapy Act (111. Rev. Stat. 1987, ch. 111 par. 4251 et seq.).

Physician - any person licensed by the State of Illinois to practice medicine in all its branches as provided in the Medical Practice Act

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of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4400-1 et seq.).

Probationary License - an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

Program Coordinator - a qualified person directly responsible for the overall program, operation and management of a Community Living Facility.

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed by the Illinois Department of Professional Regulation to practice clinical psychology under the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1987, ch. 111, par. 5351 et seq.).

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered or certified by the State of Illinois, if required.

REASONABLE VISITING HOURS - ANY TIME BETWEEN THE HOURS OF 10 A.M. AND 8 P.M. DAILY. (Section 1-121 of the Act)

Registered Nurse - a person with a valid Illinois license from the Illinois Department of Professional Regulation to practice as a

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registered professional nurse under the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 3501 et seq.).

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

RESIDENT - PERSON RESIDING IN AND RECEIVING PERSONAL CARE FROM A FACILITY. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

RESIDENT'S REPRESENTATIVE - A PERSON OTHER THAN THE OWNER, OR AN AGENT OR EMPLOYEE OF A FACILITY NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Restraint of a Resident - the application of a device to limit movements.

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Safety Device - any equipment or protective device used on a bed, chair, or resident which prevents him from falling or otherwise injuring himself. Examples are: bedside rails, geriatric or adaptive chairs, a wide band, vest or sheet applied to prevent falling out of a bed or chair, and hand socks applied to prevent injuring one's self.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of

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steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident in a room which the resident cannot open.

Self Preservation - the ability to follow directions and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

SHELTERED CARE - MAINTENANCE AND PERSONAL CARE. (Section 1-124 of the Act)

Social Worker, Qualified - a person who:

is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 6351 et seq., as amended by Public Act 85-1131, effective July 21, 1988); and is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Master's Degree programs); and

has one year of social work experience in a health care setting.

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

STOCKHOLDER OF A CORPORATION - ANY PERSON WHO, DIRECTLY OR INDIRECTLY, BENEFICIALLY OWNS, HOLDS OR HAS THE POWER TO VOTE, AT LEAST FIVE PERCENT OF ANY CLASS OF SECURITIES ISSUED BY THE CORPORATION. (Section 1-125 of the Act)

Story - when used in this Part means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

STUDENT INTERN - MEANS ANY PERSON WHOSE TOTAL TERM OF EMPLOYMENT IN ANY FACILITY DURING ANY 12-MONTH PERIOD IS EQUAL TO OR LESS THAN 90 CONTINUOUS DAYS, AND WHOSE TERM OF EMPLOYMENT IS EITHER:

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AN ACADEMIC CREDIT REQUIREMENT IN A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, OR

IMMEDIATELY SUCCEEDS A FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, PROVIDED THAT SUCH PERSON IS REGISTERED FOR ANOTHER FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION WHICH QUARTER, SEMESTER OR TRIMESTER WILL COMMENCE IMMEDIATELY FOLLOWING THE TERM OF EMPLOYMENT. (Section 1-125.1 of the Act)

Substantial - meeting requirements except for variance from the strict and literal performance which result in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Section 350.280(q)(8), 350.280(k)(2) and 350.280(k)(4).

Substantial failure - the failure to meet requirements other than a variance from the strict and literal performance which result in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 350.180(b)(1) and 350.260(f).

Sufficient - Same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in regulations, the supervisor must be on the premises if the person does not meet assistant level (two year training program) qualifications specified in these definitions.

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

TITLE XVIII - TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREFTER AMENDED. (Section 1-126 of the Act)

TITLE XIX - TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREFTER AMENDED. (Section 1-127 of the Act)

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TRANSFER - A CHANGE IN STATUS OF A RESIDENT'S LIVING ARRANGEMENTS FROM ONE FACILITY TO ANOTHER FACILITY. (Section 1-128 of the Act)

TYPE A VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY PRESENTING A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR PHYSICAL HARM TO A RESIDENT WILL RESULT THEREFROM. (Section 1-129 of the Act)

TYPE B VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY DIRECTLY THREATENING TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT. (Section 1-130 of the Act)

Unit - an entire physically identifiable residence area, in Community Living Facilities consisting of not less than five nor more than 20 beds, and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective regulations governing the approved levels of service.

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 350.680 Developmental Disabilities Aides

- a) Each of the facility's developmental disabilities aides shall comply with one of the following conditions no later than 45 days after the date of initial employment.

- 1) Provide documentation of registration on the Department's Nurse Aide Registry as of July 1, 1990, or later.
- 2) Enroll in a 120-hour developmental disabilities aide training program that has been approved by the Department under its rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395) and pass the Department-approved nursing assistant competency examination. The program coursework shall be successfully completed and the competency examination passed by the developmental disabilities aide no later than 120 days after the date of initial employment.
- 3) Provide documentation from another state of certification as a nursing assistant on or after January 1, 1990.

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- 4) Provide documentation of successful completion of a developmental disabilities aide training course approved by another state as evidenced by a diploma or certificate. The documentation must demonstrate that the course is equivalent to, or exceeds, the requirements of the Department's rules governing long-term care assistant and aide training programs (77 Ill. Adm. Code 395).

- 5) Provide documentation of successful completion of a nursing aides course in an accredited nurse training program as evidenced by a diploma, certificate or other written verification from the school and successful completion of the Department-approved nursing assistant competency examination.

- 56) Provide documentation of successful completion of the Mental Health Technician Training Program conducted by the Department of Mental Health and Developmental Disabilities.

- 67) Register for the Department's developmental disabilities aide proficiency examination which must be successfully completed no later than 120 days after the date of initial employment.

- b) Each person employed by the facility as a developmental disabilities aide shall meet each of the following requirements:

- 1) BE AT LEAST 16 YEARS OF AGE, OF TEMPERATE HABITS AND GOOD MORAL CHARACTER, HONEST, RELIABLE, AND TRUSTWORTHY. (Section 3-206(a)(1) of the Act)
- 2) BE ABLE TO SPEAK AND UNDERSTAND THE ENGLISH LANGUAGE OR A LANGUAGE UNDERSTOOD BY A SUBSTANTIAL PERCENTAGE OF THE FACILITY'S RESIDENTS. (Section 3-206(a)(2) of the Act)
- 3) PROVIDE EVIDENCE OF EMPLOYMENT OR OCCUPATION, IF ANY, AND RESIDENCE FOR TWO YEARS PRIOR TO INITIAL EMPLOYMENT AS A NURSING ASSISTANT. (Section 3-206(a)(3) of the Act)
- 4) HAVE COMPLETED AT LEAST EIGHT YEARS OF GRADE SCHOOL OR PROVIDE PROOF OF EQUIVALENT KNOWLEDGE. (Section 3-206(a)(4) of the Act)
- c) THE FACILITY SHALL CERTIFY THAT EACH DEVELOPMENTAL DISABILITIES AIDE EMPLOYED BY THE FACILITY MEETS THE REQUIREMENTS OF THIS SECTION. Such certification shall be retained by the facility as part of the employee's personnel record. (Section 3-206(d) and (e) of the Act)
- d) During inspections of the facility, the Department will REQUIRE DEVELOPMENTAL DISABILITIES AIDES TO DEMONSTRATE COMPETENCY IN THE PRINCIPLES, TECHNIQUES, AND PROCEDURES covered by the developmental

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disabilities aide training program curriculum described in the rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395.310), when possible problems in the care provided by developmental disabilities aides or other evidences of inadequate training are observed. Failure to demonstrate competency of the principles, techniques and procedures SHALL RESULT IN THE PROVISION OF IN-SERVICE TRAINING TO THE INDIVIDUAL BY THE FACILITY. The in-service training shall address all of the developmental disabilities aide training principles, techniques, and procedures contained in the rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395). (Section 3-206(a)(5) of the Act)

- e) A facility which conducts a training program for developmental disabilities aides shall comply with the applicable provisions of the Department's rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395.200).

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 350.1220 Physician Services

- a) The facility shall have a written program of medical services that reflects the philosophy of care provided, the policies relating to this, and the procedures for implementation of the services. The program shall include the health services provided by the facility and the arrangements to effect a transfer to other facilities as promptly as needed. The written program of medical services shall be followed in the operation of the facility. (B)
- b) There shall be a formal arrangement for qualified medical care for the facility, including care for medical emergencies on a 24 hour, seven days-a-week basis. The facility shall have an advisory physician, fully licensed to practice medicine in Illinois to provide advice on general health conditions and practices of the facility. (B)

- c) The services of a physician licensed to practice medicine in Illinois shall be available to every resident in the facility. ~~Residents in facilities operated under bonafide Christian Science auspices may be exempt from this requirement.~~ (A, B)

- d) The resident or his guardian shall be permitted his choice of physicians.

- e) All residents shall be seen by their physician as often as necessary to assure adequate health care (Medicare-Medicaid requires certification visits). (A, B)

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- f) Physicians shall participate, when appropriate, in the continuing interdisciplinary evaluation of individual residents, for the purposes of initiation, monitoring, and follow-up of individualized habilitation programs for treatment.
- g) The statement of treatment goals and management plans shall be reviewed and updated at least semiannually to insure continuing appropriateness of the goals, consistency of management methods with the goals, and the achievement of progress toward the goals.
- h) The facility maintains effective arrangements through which medical and remedial services required by the resident but not regularly provided within the facility can be obtained promptly when needed. (B)
- i) The administrator shall assume the responsibility for meeting the Department's rules entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690), so that there is a minimum danger of transmission of contagious, infectious, or communicable diseases. (B)
- j) No resident with a communicable, contagious, or infectious disease shall be admitted knowingly. An exception shall be a resident whose only such infectious condition is one or more chronic decubital ulcers, from which laboratory tests have proven the presence of a pathogenic organism. Such a resident may be admitted when the facility is capable of implementing appropriate treatment and isolation techniques, to avoid secondary spread of infection. Additional exceptions may be requested on an individual case basis. Permission to admit or keep a resident with any other communicable, contagious, or infectious disease shall require the written approval of both the Department. Such approval will be dependent upon the nature of the infectious condition or disease and the capability of the facility to provide proper care to the resident and to adequately safeguard the staff and other residents of the facility from secondary spread of infection. Any resident when suspected or diagnosed as having any communicable, contagious, or infectious disease, shall be placed in the appropriate type of isolation as required by the Department's rules entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690) for the period of time required for each specific disease or until removed from the facility. (A, B)

- k) All illnesses required to be reported under subsection (i) of this Section, shall be reported immediately to the local health department and to the Department. The administrator shall furnish all pertinent information relating to such occurrences. (B)

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- 1) Each resident admitted shall have a complete physical examination, within five days prior to admission, or within 72 hours after admission to the facility. This examination report shall include an evaluation of the resident's condition including height and weight, diagnosis, plan of treatment and recommendations, treatment orders, personal care needs, and permission for participation in the activity program as determined appropriate by the attending physician. The report shall include documentation of the presence or absence of tuberculosis infection by tuberculin skin test in accordance with Section 350.1225. The report shall also include documentation of the presence or absence of incipient or manifest decubitus ulcers (commonly known as bed sores) with grade, size and location specified, and orders for treatment if present. (A photograph of incipient or manifest decubitus ulcers is recommended on admission.) The report shall also include orders from the physician regarding weighing of the resident, and the frequency of such weighing, if ordered.

- m) The facility shall notify the resident's physician of any accident, injury, or change in a resident's condition that threatens the health, safety or welfare of a resident, including, but not limited to, the presence of incipient or manifest decubitus ulcers or a weight loss or gain of five percent or more within a period of 30 days. (B)

- n) At the time of an accident, immediate first aid treatment shall be provided by personnel trained in medically approved first aid procedures. (B)

- o) The admission information for a resident shall include diagnoses, summary of present medical findings, medical history, mental and physical functioning capacity, prognoses and an explicit recommendation by the physician with respect to admission to or continued care in the facility; it shall also include orders for medications, treatments, restorative services, diet, specific procedures recorded for the health and safety of the resident activities and plans for continuing care and discharge. If this information is not received with the resident at the time of admission, it must be received within 48 hours.

- p) If a resident becomes unmanageable, he shall be examined by a physician or a psychiatrist. This medical examination shall be made promptly. A psychologist and members of other appropriate professional disciplines should be consulted. (B)

- q) No resident shall be discharged without the concurrence of the attending physician. All involuntary discharges and transfers shall be in accordance with Sections 3-401 to 3-423 of the Act.

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- r) No form of seclusion shall be permitted, even if the resident desires it.
- s) Restraints shall be used only in an emergency to protect the resident from harming himself or harming other residents, visitors, or staff. If it is necessary to use restraints for this purpose, the attending physician shall be contacted immediately for his orders for this emergency. In the event the attending physician is not immediately available, the facility's advisory physician shall be contacted for such orders. This emergency use of restraints shall be used only temporarily. In a single emergency, restraints shall not be used for a period of more than four hours. If a restraint is used for more than two hours, it must be released for a few minutes at least once every two hours, or more often if necessary. There must be constant observation of the resident while a restraint is being used. No restraints with locking devices may be used. (B)

- t) The reason for ordering and using restraints shall be recorded in the clinical record. There shall be written policies, which are followed in the operation of the facility, covering the use of restraints.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 350.3220 Medical and Personal Care Program

- a) A RESIDENT SHALL BE PERMITTED TO RETAIN THE SERVICES OF HIS OWN PERSONAL PHYSICIAN AT HIS OWN EXPENSE UNDER AN INDIVIDUAL OR GROUP PLAN OF HEALTH INSURANCE, OR UNDER ANY PUBLIC OR PRIVATE ASSISTANCE PROGRAM PROVIDING SUCH COVERAGE. (Section 2-104(a) of the Act) (B)
- b) THE DEPARTMENT SHALL NOT PRESCRIBE THE COURSE OF MEDICAL TREATMENT PROVIDED TO AN INDIVIDUAL RESIDENT BY THE RESIDENT'S PHYSICIAN IN A FACILITY. (Section 2-104(a) of the Act)
- c) EVERY RESIDENT SHALL BE PERMITTED TO OBTAIN FROM HIS OWN PHYSICIAN OR THE PHYSICIAN ATTACHED TO THE FACILITY COMPLETE AND CURRENT INFORMATION CONCERNING HIS MEDICAL DIAGNOSIS, TREATMENT AND PROGNOSIS IN TERMS AND LANGUAGE THE RESIDENT CAN REASONABLY BE EXPECTED TO UNDERSTAND. (Section 2-104(a) of the Act)
- d) ALL RESIDENTS SHALL BE PERMITTED TO PARTICIPATE IN THE PLANNING OF THEIR TOTAL CARE AND MEDICAL TREATMENT TO THE EXTENT THAT THEIR CONDITION PERMITS. (Section 2-104(a) of the Act)
- e) NO RESIDENT SHALL BE SUBJECT TO EXPERIMENTAL RESEARCH OR TREATMENT WITHOUT FIRST OBTAINING HIS INFORMED, WRITTEN CONSENT. THE CONDUCT OF ANY EXPERIMENTAL RESEARCH OR TREATMENT SHALL BE AUTHORIZED AND MONITORED BY AN INSTITUTIONAL REVIEW COMMITTEE APPOINTED BY THE

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ADMINISTRATOR OF THE FACILITY WHERE SUCH RESEARCH AND TREATMENT IS CONDUCTED. (Section 2-104(a) of the Act) (A, B)

f) ALL MEDICAL TREATMENT AND PROCEDURES SHALL BE ADMINISTERED AS ORDERED BY A PHYSICIAN. ALL NEW PHYSICIAN ORDERS SHALL BE REVIEWED BY THE FACILITY'S DIRECTOR OF NURSING OR CHARGE NURSE DESIGNED WITHIN 24 HOURS AFTER SUCH ORDERS HAVE BEEN ISSUED TO ASSURE FACILITY COMPLIANCE WITH SUCH ORDERS. EVERY WOMAN RESIDENT OF CHILD-BEARING AGE SHALL RECEIVE ROUTINE OBSTETRICAL AND GYNECOLOGICAL EVALUATIONS AS WELL AS NECESSARY PRENATAL CARE. (Section 2-104(b) of the Act)

1) "Routine obstetrical evaluations" shall include, as a minimum, the following:

- A) A comprehensive health history, including menstrual history, data on the current pregnancy that allow the physician to estimate the date of delivery;
- B) Identification of factors in the current pregnancy that help to identify the patient at high risk, such as maternal age, vaginal bleeding, edema, urinary infection, exposure to radiation and chemicals, ingestion of drugs and alcohol, and use of tobacco;
- C) A comprehensive physical examination, including an evaluation of nutritional status; determination of height, weight and blood pressure; examination of the head, breasts, heart, lungs, abdomen, pelvis, rectum, and extremities.
- D) The following laboratory tests, as early in pregnancy as possible. Findings obtained from the history and physical examination may determine the need for additional laboratory evaluations.

- i) Hemoglobin or hematocrit measurement
- ii) Urinalysis, including microscopic examination or culture
- iii) Blood group and Rh type determination
- iv) Antibody screen
- v) Rubella antibody titer measurement
- vi) Syphilis screen
- vii) Cervical cytology

E) A risk assessment, which, based on the findings of the history and physical examination, should indicate any risk factors that may require special management, such as cardiovascular disease, maternal age less than 15 years or

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more than 35 years, neurologic disorder, or congenital abnormalities.

2) "Necessary prenatal care" shall include, as a minimum, the following:

- A) Return visits, the frequency of which will be determined by the patient's needs and risk factors. Generally a woman with an uncomplicated pregnancy should be seen every 4 weeks for the first 28 weeks of pregnancy, every 2-3 weeks until 36 weeks of gestation, and weekly thereafter.
- B) The physical examination at each visit should include determinations of blood pressure, measured fundal height, fetal heart rate, and, in later months, fetal presentation, urinalysis for albumin and glucose. Hemoglobin or hematocrit level should be measured again early in the third trimester. Glucose screening is recommended for women who are 30 years of age or older.
- C) Evaluation and monitoring of nutritional status and habits.
- D) Education for health promotion and maintenance.
- E) Counseling concerning exercise and child birth education programs.
- F) Postpartum review and evaluation 4-8 weeks after delivery, including determination of weight and blood pressure and assessment of status of breasts, abdomen, and external and internal genitalia.

3) "Routine gynecological evaluations" shall include, as a minimum, the following:

- A) An initial examination, the basic components of which are:
 - i) History; any present illnesses; menstrual, reproductive, medical, surgical, emotional, social, family, and sexual history; medications; allergies; family planning; and systems review.
 - ii) Physical examination, including height, weight, nutritional status, and blood pressure; head and neck, including thyroid gland; heart; lungs; breasts; abdomen; pelvis, including external and internal genitalia; rectum; extremities, including signs of abuse; lymph nodes.

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iii) Laboratory tests, including urine screen; hemoglobin or hematocrit determination and, if indicated, complete blood cell count; cervical cytology; rubella titer.

B) Annual updates:

i) History, including the purpose of the visit; menstrual history; interval history, including systems review; emotional history:

ii) Physical examination, including weight, nutritional status and blood pressure; thyroid gland; breasts; abdomen; pelvis, including external and internal genitalia; rectum; other areas as indicated by the interval history.

iii) Laboratory, including urine screen; cervical cytology, unless not indicated; hemoglobin or hematocrit determinations.

iv) Additional laboratory tests, such as screening for sexually transmitted disease, should be performed as warranted by the history, physical findings, and risk factors.

D) Cancer screening.

i) An annual Pap test for all women who are or have been sexually active or have reached age 18.

ii) Mammography if indicated.

q) EVERY RESIDENT SHALL BE PERMITTED TO REFUSE MEDICAL TREATMENT AND TO KNOW THE CONSEQUENCES OF SUCH ACTION, UNLESS SUCH REFUSAL WOULD BE HARMFUL TO THE HEALTH AND SAFETY OF OTHERS AND SUCH HARM IS DOCUMENTED BY A PHYSICIAN IN THE RESIDENT'S CLINICAL RECORD. (Section 2-104(c)(4) of the Act) (B)

h) Inspection and Copying of Records

1) EVERY RESIDENT, RESIDENT'S GUARDIAN, OR PARENT IF THE RESIDENT IS A MINOR SHALL BE PERMITTED TO INSPECT AND COPY ALL THE RESIDENT'S CLINICAL AND OTHER RECORDS CONCERNING THE RESIDENT'S CARE AND MAINTENANCE KEPT BY THE FACILITY OR BY THE RESIDENT'S PHYSICIAN. (Section 2-104(b) of the Act)

2) EVERY RESIDENT'S REPRESENTATIVE SHALL BE PERMITTED TO INSPECT

AND COPY THE RESIDENT'S RECORDS. A "RESIDENT'S REPRESENTATIVE" IS A PERSON, OTHER THAN THE OWNER OR AN AGENT OR EMPLOYEE OF A FACILITY WHO IS NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Sections 1-123 and 2-202(h) of the Act)

i) A RESIDENT SHALL BE PERMITTED RESPECT AND PRIVACY IN HIS MEDICAL AND PERSONAL CARE PROGRAM. EVERY RESIDENT'S CASE DISCUSSION, CONSULTATION, EXAMINATION AND TREATMENT SHALL BE CONFIDENTIAL AND SHALL BE CONDUCTED DISCREETLY, AND THOSE PERSONS NOT DIRECTLY INVOLVED IN THE RESIDENT'S CARE MUST HAVE HIS PERMISSION TO BE PRESENT. (Section 2-105 of the Act) (B)

(Source: Amended at 14 Ill. Reg. ____, effective ____)

Section 350.3240 Abuse and Neglect

- a) AN OWNER, LICENSEE, ADMINISTRATOR, EMPLOYEE OR AGENT OF A FACILITY SHALL NOT ABUSE OR NEGLECT A RESIDENT. (A₇-8) (Section 2-107 of the Act) (A,B)
- b) A FACILITY EMPLOYEE OR AGENT WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL IMMEDIATELY REPORT THE MATTER TO THE FACILITY ADMINISTRATOR. (Section 3-610 of the Act)
- c) A FACILITY ADMINISTRATOR WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL IMMEDIATELY REPORT THE MATTER BY TELEPHONE AND IN WRITING TO THE RESIDENT'S REPRESENTATIVE. (Section 3-610 of the Act)
- d) A FACILITY ADMINISTRATOR, EMPLOYEE, OR AGENT WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL ALSO REPORT THE MATTER TO THE DEPARTMENT. (Section 3-610 of the Act)
- e) EMPLOYEE AS PERPETRATOR OF ABUSE. WHEN AN INVESTIGATION OF A REPORT OF SUSPECTED ABUSE OF A RESIDENT INDICATES, BASED UPON CREDIBLE EVIDENCE, THAT AN EMPLOYEE OF A LONG-TERM CARE FACILITY IS THE PERPETRATOR OF THE ABUSE, THAT EMPLOYEE SHALL IMMEDIATELY BE BARRED FROM ANY FURTHER CONTACT WITH RESIDENTS OF THE FACILITY, PENDING THE OUTCOME OF ANY FURTHER INVESTIGATION, PROSECUTION OR DISCIPLINARY ACTION AGAINST THE EMPLOYEE. (Section 3-611 of the Act)
- f) RESIDENT AS PERPETRATOR OF ABUSE. WHEN AN INVESTIGATION OF A REPORT OF SUSPECTED ABUSE OF A RESIDENT INDICATES, BASED UPON CREDIBLE EVIDENCE, THAT ANOTHER RESIDENT OF THE LONG-TERM CARE FACILITY IS THE PERPETRATOR OF THE ABUSE, THAT RESIDENT'S CONDITION SHALL BE IMMEDIATELY EVALUATED TO DETERMINE THE MOST SUITABLE THERAPY AND

PLACEMENT FOR THE RESIDENT, CONSIDERING THE SAFETY OF THAT RESIDENT AS WELL AS THE SAFETY OF OTHER RESIDENTS AND EMPLOYEES OF THE FACILITY. (Section 3-612 of the Act)

(Source: Amended at 14 Ill. Reg. ____, effective ____)

Section 350.3260 Resident's Funds

- a) A RESIDENT SHALL BE PERMITTED TO MANAGE HIS OWN FINANCIAL AFFAIRS UNLESS HE OR HIS GUARDIAN OR IF THE RESIDENT IS A MINOR, HIS PARENT, AUTHORIZES THE ADMINISTRATOR OF THE FACILITY IN WRITING TO MANAGE SUCH RESIDENT'S FINANCIAL AFFAIRS UNDER SUBSECTIONS (b) through (c)† of THIS SECTION. (Section 2-102 of the Act)
- b) THE FACILITY SHALL AT THE TIME OF ADMISSION, PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN STATEMENT EXPLAINING THE RESIDENT'S RIGHTS REGARDING PERSONAL FUNDS AND LISTING THE SERVICES FOR WHICH THE RESIDENT WILL BE CHARGED, AND OBTAIN A SIGNED ACKNOWLEDGEMENT FROM EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, THAT SUCH PERSON HAS RECEIVED THE STATEMENT. (Section 2-101(1) of the Act)

- c) THE FACILITY MAY ACCEPT FUNDS FROM A RESIDENT FOR SAFEKEEPING AND MANAGING, IF IT RECEIVES WRITTEN AUTHORIZATION FROM, IN ORDER OF PRIORITY, THE RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY; SUCH AUTHORIZATION SHALL BE ATTESTED TO BY A WITNESS WHO HAS NO PECUNIARY INTEREST IN THE FACILITY OR ITS OPERATIONS, AND WHO IS NOT CONNECTED IN ANY WAY TO FACILITY PERSONNEL OR THE ADMINISTRATOR IN ANY MANNER WHATSOEVER. (Section 2-101(2) of the Act)

- d) THE FACILITY SHALL MAINTAIN AND ALLOW, IN ORDER OF PRIORITY, EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, ACCESS TO A WRITTEN RECORD OF ALL FINANCIAL ARRANGEMENTS AND TRANSACTIONS INVOLVING THE INDIVIDUAL RESIDENT'S FUNDS. (Section 2-101(3) of the Act)

- e) THE FACILITY SHALL PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN ITEMIZED STATEMENT AT LEAST QUARTERLY, OF ALL FINANCIAL TRANSACTIONS INVOLVING THE RESIDENT'S FUNDS. (Section 2-101(4) of the Act)

- f) THE FACILITY SHALL PURCHASE A SURETY BOND TO GUARANTEE THE SECURITY OF RESIDENT'S FUNDS. (Section 2-101(5) of the Act)

- g) THE FACILITY SHALL KEEP ANY FUNDS RECEIVED FROM A RESIDENT FOR SAFEKEEPING IN AN ACCOUNT SEPARATE FROM THE FACILITY'S FUNDS, AND SHALL AT NO TIME WITHDRAW ANY PART OR ALL OF SUCH FUNDS FOR ANY PURPOSE OTHER THAN TO RETURN THE FUNDS TO THE RESIDENT UPON THE REQUEST OF THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE SUCH REQUEST, TO PAY THE RESIDENT HIS ALLOWANCE, OR TO MAKE ANY OTHER PAYMENT AUTHORIZED BY THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE SUCH AUTHORIZATION. (Section 2-101(6) of the Act)

- h) THE FACILITY SHALL DEPOSIT ANY FUNDS RECEIVED FROM A RESIDENT IN EXCESS OF \$100 IN AN INTEREST BEARING ACCOUNT INSURED BY AGENCIES OF, OR CORPORATIONS CHARTERED BY, THE STATE OR FEDERAL GOVERNMENT. THE ACCOUNT SHALL BE IN A FORM WHICH CLEARLY INDICATES THAT THE FACILITY HAS ONLY A FIDUCIARY INTEREST IN THE FUNDS AND ANY INTEREST FROM THE ACCOUNT SHALL ACCRUE TO THE RESIDENT. (Section 2-101(7) of the Act)

- i) THE FACILITY MAY KEEP UP TO \$100 OF A RESIDENT'S MONEY IN A NON-INTEREST BEARING ACCOUNT OR PETTY CASH FUND, TO BE READILY AVAILABLE FOR THE RESIDENT'S CURRENT EXPENDITURES. (Section 2-101(7) of the Act)

- j) THE FACILITY SHALL RETURN TO THE RESIDENT, OR THE PERSON WHO EXECUTED THE WRITTEN AUTHORIZATION REQUIRED IN SUBSECTION (c) OF THIS SECTION, UPON WRITTEN REQUEST, ALL OR ANY PART OF THE RESIDENT'S FUNDS GIVEN THE FACILITY FOR SAFEKEEPING, INCLUDING THE INTEREST ACCRUED FROM DEPOSITS. (Section 2-101(8) of the Act)

- k) THE FACILITY SHALL PLACE ANY MONTHLY ALLOWANCE TO WHICH A RESIDENT IS ENTITLED IN THAT RESIDENT'S PERSONAL ACCOUNT, OR GIVE IT TO THE RESIDENT, UNLESS THE FACILITY HAS WRITTEN AUTHORIZATION FROM THE RESIDENT OR THE RESIDENT'S GUARDIAN, OR IF THE RESIDENT IS A MINOR, HIS PARENT, TO HANDLE IT DIFFERENTLY. (Section 2-101(9) of the Act)

- l) UNLESS OTHERWISE PROVIDED BY STATE LAW, THE FACILITY SHALL UPON THE DEATH OF A RESIDENT PROVIDE THE EXECUTOR OR ADMINISTRATOR OF THE RESIDENT'S ESTATE WITH A COMPLETE ACCOUNTING OF ALL THE RESIDENT'S PERSONAL PROPERTY, INCLUDING ANY FUNDS OF THE RESIDENT BEING HELD BY THE FACILITY. (Section 2-101(10) of the Act)

- m) IF AN ADULT RESIDENT IS INCAPABLE OF MANAGING HIS FUNDS AND DOES NOT HAVE A RESIDENT'S REPRESENTATIVE, GUARDIAN, OR AN IMMEDIATE FAMILY MEMBER THE FACILITY SHALL NOTIFY THE OFFICE OF THE STATE GUARDIAN OF THE GUARDIANSHIP AND ADVOCACY COMMISSION. (Section 2-101(11) of the Act)

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- n) IF THE FACILITY IS SOLD, THE SELLER SHALL PROVIDE THE BUYER WITH A WRITTEN VERIFICATION BY A PUBLIC ACCOUNTANT OF ALL RESIDENTS' MONIES AND PROPERTIES BEING TRANSFERRED, AND OBTAIN A SIGNED RECEIPT FROM THE NEW OWNER. (Section 2-101(12) of the Act)

- o) THE FACILITY SHALL TAKE ALL STEPS NECESSARY TO ENSURE THAT A PERSONAL NEEDS ALLOWANCE THAT IS PLACED IN A RESIDENT'S PERSONAL ACCOUNT IS USED EXCLUSIVELY BY THE RESIDENT OR FOR THE BENEFIT OF THE RESIDENT. WHERE SUCH FUNDS ARE WITHDRAWN FROM THE RESIDENT'S PERSONAL ACCOUNT BY ANY PERSON OTHER THAN THE RESIDENT, THE FACILITY SHALL REQUIRE SUCH PERSON TO WHOM FUNDS CONSTITUTE ANY PART OF A RESIDENT'S PERSONAL NEEDS ALLOWANCE ARE RELEASED TO EXECUTE AN AFFIDAVIT THAT SUCH FUNDS SHALL BE USED EXCLUSIVELY FOR THE BENEFIT OF THE RESIDENT. (Section 2-201(9)(b) of the Act). "Personal needs allowance," for the purposes of this subsection, refers to the monthly allowance allotted by the Illinois Department of Public Aid to public aid recipients.

(Source: Amended at 14 Ill. Reg. ____, effective ____)

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES
FOR THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

Section 350.3710 Applicability of Other Provisions of this Part

- a) An Intermediate Care Facility for the Developmentally Disabled of 16 Beds or Less is a facility licensed as an intermediate care facility for the developmentally disabled (ICF/DD) for 16 or fewer residents.
- b) The standards and regulations stated in other divisions of this publication shall apply to this type of facility unless indicated otherwise in this Subpart P, by substitutions or additions.
- c) An Intermediate Care Facility for the Developmentally Disabled of 16 Beds or Less shall consist of no more than one building housing a maximum of 16 residents.
- 1) Housing for developmentally disabled persons shall be located on non-adjacent sites and shall be similar in design and construction as other buildings and dwellings within the area. An ICF/DD-16 Bed or Less Facility shall not be physically part of another facility or residential program licensed or funded by the state. A distance of at least 300 feet must separate an ICF/DD-16 Bed or Less facility from other state licensed or state funded residential facilities. (A, B)
- 2) Any facility which is already licensed as an ICF/DD of 16

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Beds or Less, and which does not meet the criteria listed in subsection (c)(1) of this Section, may continue to operate as it was prior to the effective date of this Subpart P, as long as it remains continuously licensed. However, the criteria listed in subsection (c)(1) of this Section shall apply on any date the license terminates by operation of law, such as a change of ownership, voluntary closing of the facility by the licensee, or the license being revoked by the Department.

- 3) Any facility having submitted an application for a permit or having been issued a permit from the Illinois Health Facilities Planning Board to establish an ICF/DD of 16 Beds or Less which does not meet the criteria listed in subsection (c)(1) of this Section may establish and operate such a facility, if it is licensed no later than six months after the effective date of the permit. However, the criteria listed in subsection (c)(1) of this Section shall apply if the facility fails to obtain a license within six months after the effective date of the permit, or on any date the license of such facility terminates by operation of law, such as a change of ownership, voluntary closing of the facility by the licensee, or the license being revoked by the Department.

- d) Every facility applying for licensure as ICF/DD of 16 Beds or Less, after the effective date of this Subpart P, shall meet all the requirements contained in this Subpart P. This is required both for newly constructed buildings and existing buildings converting to this type of licensure.

- e) Any person wishing to establish an ICF/DD of 16 Beds or Less facility must obtain a permit from the Illinois Health Facilities Planning Board. See Section 350.110(f).

(Source: Amended at 14 Ill. Reg. ____, effective ____)
Section 350.3720 Administration

- a) The administrator is responsible for ensuring that the facility remains in compliance with the Act and this Subpart P, and that all resident care plans are carried out as written. The administrator need not be full-time as required by Section 350.510(a), but shall spend at least four hours per week in the facility in the performance of these duties. (B)
- b) No person shall be the Administrator of more than four licensed ICF/DD of 16 Beds or Less.
- c) In the absence of the Administrator, the Resident Services Director

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shall be responsible for the overall operation of the facility.

- d) In the absence of both the Administrator and the Resident Services Director, there shall be delegated written adequate authority and supervisory responsibility to a person at least 18 years of age who is capable of acting in an emergency during their absence. Such administrative assignments shall not interfere with resident care and supervision. (B)

- e) One person may perform the functions of both an Administrator and Resident Services Director. However this person must meet the requirements as set forth in Subpart B as modified by this Section. (B)

(Source: Amended at 14 Ill. Reg. ____, effective ____)

Section 350.3730 Admission and Discharge Policies

- a) Residents shall only be admitted who have had a comprehensive evaluation covering physical, emotional, social and cognitive factors, conducted by an appropriately constituted, interdisciplinary team. As part of this evaluation the team shall determine the capabilities of the resident's ability for self-preservation. (B)
- b) No residents shall be admitted to, nor kept in, the facility who are not ambulatory. In addition, all residents must be able to move about without assistance from other persons and must be able to take action for self-preservation under emergency situations.

- c) Each resident of an ICF/DD of 16½ Beds or Less shall be either employed or enrolled in an external day program, off the grounds of the facility, at least 200 days per year, five hours per day. A resident may participate in more than one program to meet this requirement.

- 1) The provision of employment or enrollment in a day program shall be documented in the resident's individual habilitation plan.

- 2) Each interdisciplinary team review shall include a review of the resident's day program to assure consistent program planning and implementation.

- 3) When possible, representatives from the resident's employment or day program shall participate in the interdisciplinary team review.

(Source: Amended at 14 Ill. Reg. ____, effective ____)

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Section 350.3750 Consultation Services and Nursing Services

An ICF/DD of 16½ Beds or Less shall admit only residents certified by a physician as not in need of professional nursing services. The need for training or supervision in self-medication shall not, in and of itself, constitute a need for professional nursing services. Arrangements shall be made through formal contract for the services of a registered nurse or public health nurse to visit as required for the care of minor illnesses, injuries or emergencies, and to provide consultation on the health aspects of the individual plans of care. A responsible staff member shall be on duty at all times who is immediately accessible, and to whom residents can report injuries, symptoms of illness, and emergencies (see Section 350.810(a)). The consultant nurse shall give this consultation in the facility not less than two hours per month. (B)

(Source: Amended at 14 Ill. Reg. ____, effective ____)

Section 350.3770 Food Services

- a) The food service in each facility shall be under the operational supervision of a manager or supervisor who has been certified in food service sanitation in accordance with Subpart C of the Department's rules entitled "Food Service Sanitation" (77 Ill. Adm. Code 750). This person need not be a dietitian or a dietetic service supervisor as required in Section 350.1810(a)(1). This person shall be responsible for ensuring that the food service is in compliance with Section 350.3770 of this Part. This person shall spend at least four hours a week in the performance of these duties. (B)

- b) If the person responsible for the food services is not a dietitian he or she shall consult with a dietitian no less than two hours per month.

- c) Food should be prepared and served family style to approximate, as nearly as possible, a family living situation. Residents should be allowed and encouraged to serve themselves the appropriate amount of food for a properly balanced diet. Residents shall be allowed and encouraged to choose their own seating arrangements.

- d) The facility shall have available at least one copy of a current diet manual acceptable to this Department, located in the kitchen and available to dietary personnel.

- e) New or replacement kitchen equipment need not be of an institutional type.

- f) ICF/DD of 16½ Beds or Less shall also comply with the Sections of the Department's rules entitled "Food Service Sanitation" (77 Ill.

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Adm. Code 750) which are listed in Table D.

(Source: Amended at 14 Ill. Reg. ____, effective ____)

Section 350.3780 Codes and Standards

- a) In addition to compliance with the Standards set forth herein, all building codes, ordinances and regulations which are enforced by City, County or other local jurisdictions in which the facility is, or will be located must be observed.
- b) The Federal Government under the certification process requires conformance with the 1967 Life Safety Code for lodging or rooming house occupancy. Since the requirements contained in this Subpart P are more stringent than lodging or rooming house occupancy of the 1967 Life Safety Code, certification must be based on compliance with the requirements contained in this Subpart P.
- c) See Section 350.2620(a) for all the required Codes and Standards. The following Codes and Standards listed in Section 350.2620(a)(2) are not required for ICF/DD of 16½ Beds or Less.

1) National Fire Protection Association

- A) NFPA 13-1976, Installation of Sprinkler Systems
- B) NFPA 13A-1976, Care and Maintenance of Sprinkler Systems
- C) NFPA 56F-1974, Standard for Non-Flammable Medical Gas Systems
- D) NFPA 90A-1976, Air Conditioning and Ventilating Systems
- E) NFPA 96-1076, Vapor Removal from Cooking Equipment
- F) NFPA 253-1978, Flooring Radiant Heat Energy Test
- 2) Underwriter's Laboratory, Inc. (UL), Standard No. 181-1974, Factory made Air Duct Materials and Air Duct Connectors
- 3) American Society for Testing and Materials (ASTM), Standard No. E90-1975, Recommended Practice for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions
- 4) American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE)
 - A) Handbook of Fundamentals, 1977

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B) Standard No. 52-76, Methods of Testing Air Cleaning Devices Used in General Ventilation for Removing Particulate Matters

5) Uniform Building Code (1976 Edition)

6) National Standard Plumbing Code (1976 Edition)

7) Standard No. A17.1-1971, American National Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Stairs

8) HUD FT/TS-24, A Guide to Air Borne, Impact and Structure Borne Noise Control in Multi-Family Dwellings

(Source: Amended at 14 Ill. Reg. ____, effective ____)

Section 350.3810 Nurses Station

A nurses station is not required in Intermediate Care Facilities for the Developmentally Disabled of 16½ Beds or Less.

(Source: Amended at 14 Ill. Reg. ____, effective ____)

Section 350.3880 General Building Requirements

a) Stairway Dimensions

- 1) If a facility has a stairway, the stairway must have a minimum headroom of six feet, eight inches and a maximum height of 12 feet between landings. A minimum clear width of three feet is required, except for handrails which may project three and one-half inches on each side. A handrail is required only on one side of the stairs. Width of treads, exclusive of nosing or projection, may not be less than nine inches. Risers may not be more than eight inches. Every stairway landing shall be at least as deep as the width of any stairway door which opens onto the landing. Stairways with triangular or winding treads are permissible providing the stairways are at least three feet wide and the width of each tread is not narrower than six inches at any point. A stairway consisting of a single riser is not acceptable. (B)
- 2) For facilities licensed on or before October 1, 1987, the following exceptions to subsection (a)(1) of this Section shall apply:
 - A) For all stairways, a minimum clear width of 26 inches (rather than three feet) is required.

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- B) For stairways with triangular or winding treads, the stairway may be no less than 26 inches wide (rather than three feet) and the width of each tread may be narrower than six inches for up to 25 percent of the tread.
- C) Such facilities must comply with any additional requirements which may be imposed by the State Fire Marshal.
- b) Handrails at stairways shall be one and one-half inches in diameter and one and one-half inches minimum clear of the wall.
- c) Every facility shall have a ceiling height of seven feet, six inches or more, throughout all rooms occupied or used by residents. Any protection from the ceiling shall have a clearance of at least six feet, eight inches from the floor. Ceiling heights of basements may be seven feet.
- d) Every required exit door to the outside shall be of the side hinged swinging type, and have a minimum width of 36 inches.
- e) Locks on exterior doors shall not require the use of a key for operation from the inside of the building.
- f) Every door shall have a latch or other fastening device, which can be released by a simple type of releasing device, such as a knob, handle or panic bar. The method of operating all such releasing devices shall be obvious, even in the dark.
- g) The floor on both sides of a door in a means of egress shall be the same elevation on both sides of the door; a distance equal to the width of the widest single door shall be maintained at the landing. When the door discharges to the outside or to an exterior balcony, exterior exit, or exterior exit access, the floor level outside the door may be one step lower than the inside, but not more than eight inches lower. However, at the two required exits at the first floor there can be no step. This is to provide accessibility for handicapped staff or visitors, if administration and public areas are located within the facility.
- h) Every facility shall have either swinging or sliding exterior doors. However, all exterior doors in required means of egress must be of the side-hinged, swinging type. Door closers and panic hardware are not required.
- i) The doors for the toilet rooms used by residents shall have a minimum door width of 28 inches. (B)
- j) The doors for the resident bedrooms shall have a minimum door width

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- of 30 inches. Automatic closers are not required on resident bedroom doors. (B)
- k) Elevators are not required in an ICF/DD of 1615 Beds or Less.
(Source: Amended at 14 Ill. Reg. _____, effective _____)
Section 350.3900 Special Care Room
- A special care room is not required in Intermediate Care Facilities for the Developmentally Disabled of 1615 Beds or Less.
(Source: Amended at 14 Ill. Reg. _____, effective _____)
Section 350.3940 Mechanical Systems
- Thermal and acoustical insulation requirements in Section 350.2720(b) of this Part do not apply to ICF/DD Facilities of 1615 beds or Less.
(Source: Amended at 14 Ill. Reg. _____, effective _____)
Section 350.4010 Construction Types
- a) Buildings shall be of fire resistive, protected noncombustible, one hour protected ordinary, one hour protected wood frame, heavy timber, or unprotected noncombustible type construction. (B)
- b) Buildings shall be no more than two stories in height. Basements are permitted for use as resident living and activity areas. Basements are also permitted for resident dining and sleeping areas if they are dry, have a window area which is at least ten percent of the floor area, the window sill height does not exceed a maximum of three feet above the floor and there are two approved exits to grade level. Attics are not permitted for any kind of resident use. However, both attics and basements may be used as storage space and for various staff use functions such as offices, and sleeping quarters.
- c) Any ICF/DD of 1615 Beds or Less which shares a common wall with any other occupancy must be separated from that occupancy by a minimum of one hour rated fire wall. (B)
(Source: Amended at 14 Ill. Reg. _____, effective _____)

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Section 350. TABLE D

Food Service Sanitation Rules 77 Illinois Admin. Code
750, 1983 Applicable for New Intermediate Care
Facilities for the Developmentally Disabled of
(16)(46) Beds or Less

750.10	750.670 (a), (b), and (c)
750.100	750.690
750.110 (a), (b), and (c)	750.700
750.120 a	750.710
750.130 (a), (b), (c), (d), (e), and (f)	750.750
750.140 a, b, c, and d	750.800 (a), (b), (c), d, and e
750.150 (a) and (b)	750.810 a
750.160	750.820 c; d1 and 3; e 2, 3, and 4
750.170	750.830 (a) and (f)
750.180 (a), (b), (c), (d) (e), and (f)	750.840
750.190	750.850
750.200	750.860 (a), (b), and (c)
750.210	750.870
750.220	750.880 a and b
750.230	750.1130 (a), (c), (d), and (e)
750.240 (a), (b), (c), and (d)	750.1140 (a), (b), and (c)
750.270	750.1150 (a) and (b)
750.290	750.1240 (a) and (b)
750.320	750.1290
750.510	750.1300
750.520 (a)	750.1310 (a) and (b)
750.530 (a), (b), (c), and (d)	750.1320 (a) and (b)
750.600	750.1330
750.610	750.1340
750.620	750.1370 (b)
750.630	750.1380 (a) and (b)
750.640	750.1390
750.650 (a), (b), and (c)	750.1400
750.660 (a), (b), and (c)	

The requirements concerning sanitization in Section 750.670 (a) and (b); Section 750.800 (a), (b), and (c); Section 750.820 (d) and (e); Section 750.830 (a); Section 750.850; and Section 750.860 (a) are not applicable to ICF/DD of Sixteen Beds or Less.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

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Section 350. TABLE E Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) ~~Fifteen~~ Beds or Less

Construction Type	Stories	
	1	2
2-hour Protected Noncombustible	X	X
1-hour Protected Noncombustible	X	X*
Noncombustible	X*	X*
Heavy Timber	X*	X*
1-hour Protected Ordinary	X*	X*
1-hour Protected Wood Fram	X*	X*
Ordinary	X*	X*
Frame	X*	

Key: X = Allowed types of construction

* = Building requires automatic fire extinguishment protection

(Source: Amended at 14 Ill. Reg. _____, effective _____)

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Long-Term Care for Under Age 22 Facilities Code

2) Code Citation:

77 Ill. Adm. Code 390

3) Section Numbers:390.330
Amendments
390.1030
Amendments
390.3220
Amendments
390.3240
Amendments
390.3260Proposed Action:Amendments
Amendments
Amendments
Amendments4) Statutory Authority:

The Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 4151-101 et seq., as amended by Public Act 85-1183, effective August 13, 1988, and Public Act 85-1378, effective September 1, 1988; Public Act 86-130, effective August 3, 1989, Sections 3 and 4 effective January 1, 1990; Public Act 86-486, effective January 1, 1990; and Public Act 86-1013, effective January 3, 1990).

5) A Complete Description of the Subjects and Issues Involved:

These amendments are being proposed by the Department of Public Health to implement legislation passed by the 86th General Assembly amending the Nursing Home Care Act. Related amendments to the rules governing the licensure of skilled nursing and intermediate care facilities (77 Ill. Adm. Code 300), sheltered care facilities (77 Ill. Adm. Code 330), and intermediate care facilities for persons with developmental disabilities (77 Ill. Adm. Code 350) are also being proposed.

Definition of facility: The Department is proposing to amend the definition of "Facility" in Section 390.330 to implement Public Act 86-130, which amends the Nursing Home Care Act to exempt from the definition of "Facility" any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination.

Christian Science facilities: In Section 390.1030, the Department is deleting a provision stating that residents in facilities operated under bona fide Christian Science auspices may be exempt from the requirement that the services of an Illinois licensed physician be available to every resident of a facility. Pursuant to Public Act 86-130, such facilities are no longer required to be licensed.

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Medical treatment and procedures: Section 390.3220 is being amended in accordance with an amendment to Section 2-104(b) of the Nursing Home Care Act that requires all medical treatment and procedures to be administered as ordered by a physician. All new physician orders are to be reviewed by the facility's director of nursing or charge nurse designee within 24 hours after issuance. In addition, every woman resident of child-bearing age is to receive routine obstetrical and gynecological evaluations and necessary prenatal care. Guidelines of the American College of Obstetricians and Gynecologists have been included to define more clearly what constitutes "routine obstetrical and gynecological evaluations and necessary prenatal care." These changes are necessitated by Public Act 86-1013.

Employee or resident as perpetrator of abuse: Also in accordance with Public Act 86-1013, the amendment of Section 390.3240 is proposed to include provisions concerning the perpetration of abuse by residents or employees. An employee who is the perpetrator of abuse will immediately be barred from any further contact with residents of the facility, pending the outcome of any further investigation, prosecution or disciplinary action against the employee. The condition of a resident who is the perpetrator of abuse will be evaluated to determine the most suitable therapy and placement for the resident, considering the safety of the resident as well as the safety of other residents and employees of the facility.

Personal needs allowance: The Department is proposing the amendment of Section 390.3260 to implement Public Act 86-486, which requires facilities to take all steps necessary to ensure that a personal needs allowance that is placed in a resident's personal account is used exclusively by the resident or for the benefit of the resident. A definition of the term "personal needs allowance" is also included.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department request any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of this notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?Yes ☐ No ☒7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

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If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ☐ No ☒

If "yes," please specify type: 6.02(a) _____ or 6.02(b) _____

9) Are there any other Proposed Amendments Pending on this Part?

Yes ☒ No ☐

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
390.1920	Amendments	14 Ill. Reg. 2237
390.2010	Amendments	14 Ill. Reg. 2237
390.2030	Amendments	14 Ill. Reg. 2237
390.2220	Amendments	14 Ill. Reg. 2237
390.2720	Amendments	14 Ill. Reg. 2237
390.2730	Amendments	14 Ill. Reg. 2237
390.2990	Amendments	14 Ill. Reg. 2237
390.3020	Amendments	14 Ill. Reg. 2237
390.3030	Amendments	14 Ill. Reg. 2237

10) Statement of Statewide Policy Objectives:

Please specify: This rulemaking neither creates nor expands a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

June 5, 1990

B) Type of Small Businesses Affected:

Long-term care facilities for persons under age 22.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

No additional reporting, bookkeeping or other procedures are required for compliance.

D) Types of Professional Skills Necessary for Compliance:

No additional professional skills are necessary for compliance.

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER C: LONG-TERM CARE FACILITIESPART 390
LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	General Requirements
390.110	Application for License
390.120	Licensee
390.130	Issuance of an Initial License for a New Facility
390.140	Issuance of an Initial License Due to a Change of Ownership
390.150	Issuance of a Renewal License
390.160	Criteria for Adverse License Actions
390.165	Denial of Initial License
390.170	Denial of Renewal of License
390.175	Revocation of License
390.180	Experimental Program Conflicting With Requirements
390.190	Inspections, Surveys, Evaluations and Consultation
390.200	Filing an Annual Attested Financial Statement
390.210	Information to Be Made Available to the Public by the Department
390.220	Information to Be Made Available to the Public By the Licensee
390.230	Municipal Licensing
390.240	Ownership Disclosure
390.250	Issuance of Conditional Licenses
390.260	Monitor and Receivership
390.270	Determination to Issue a Notice of Violation or Administrative Warning
390.272	Determination of the Level of a Violation
390.274	Notice of Violation
390.276	Administrative Warning
390.277	Plans of Correction
390.278	Reports of Correction
390.280	Conditions for Assessment of Penalties
390.282	Calculation of Penalties
390.284	Determination to Assess Penalties
390.286	Reduction or Waiver of Penalties
390.288	Quarterly List of Violators
390.290	Alcoholism Treatment Programs In Long-Term Care Facilities
390.300	Department May Survey Facilities Formerly Licensed
390.310	Waivers
390.320	Definitions
390.330	Incorporated and Referenced Materials
300.340	

SUBPART B: ADMINISTRATION

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390.500 Administrator

SUBPART C: POLICIES

390.610	Management Policies
390.620	Resident Care Policies
390.630	Admission and Discharge Policies
390.640	Contract Between Resident and Facility
390.650	Residents' Advisory Council
390.660	General Policies
390.670	Personnel Policies
390.675	Initial Health Evaluation for Employees
390.680	Child Care/Habilitation Aides
390.685	Student Interns
390.690	Disaster Preparedness
390.700	Serious Incidents and Accidents

SUBPART D: PERSONNEL

390.810	General
390.820	Categories of Personnel
390.830	Consultation Services

SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES

390.1010	Service Programs
390.1020	Medical Services
390.1030	Physician Services
390.1035	Tuberculin Skin Test Procedures
390.1040	Nursing Services
390.1050	Dental Care Services
390.1060	Physical and Occupational Therapy Services
390.1070	Psychological Services
390.1080	Social Services
390.1090	Speech Pathology and Audiology Services
390.1100	Recreational and Activity Services
390.1110	Educational Services
390.1120	Work Activity and Prevocational Training Services

SUBPART F: RESTRAINTS AND SAFETY DEVICES,
BEHAVIOR MANAGEMENT, AND BEHAVIOR EMERGENCIES

390.1310	Restraints and Safety Devices
390.1320	Behavior Management
390.1330	Behavior Emergencies

SUBPART G: MEDICATIONS

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390.1410 Medication Policies and Procedures
 390.1420 Conformance with Physician's Orders
 390.1430 Administration of Medication
 390.1440 Labeling and Storage of Medications
 390.1450 Control of Narcotics and Legend Drugs

SUBPART H: RESIDENT AND FACILITY RECORDS

390.1610 Resident Record Requirements
 390.1620 Content of Medical Records
 390.1630 Confidentiality of Resident's Records
 390.1640 Records Pertaining to Residents' Property
 390.1650 Retention and Transfer of Resident Records
 390.1660 Other Resident Record Requirements
 390.1670 Staff Responsibility for Medical Records
 390.1680 Retention of Facility Records
 390.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

390.1810 Director of Food Services
 390.1820 Dietary Staff in Addition to Director of Food Services
 390.1830 Hygiene of Dietary Staff
 390.1840 Diet Orders
 390.1850 Adequacy of Diet and Meal Pattern
 390.1860 Infant and Therapeutic Diets
 390.1870 Scheduling Meals
 390.1880 Menu Planning
 390.1890 Food Preparation and Service
 390.1900 Preparation of Infant Formula
 390.1910 Food Handling Sanitation
 390.1920 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

390.2010 Maintenance
 390.2020 Housekeeping
 390.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

390.2210 Furnishings
 390.2220 Equipment and Supplies
 390.2230 Sterilization of Supplies and Equipment

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

390.2410 Codes

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390.2420 Water Supply
 390.2430 Sewage Disposal
 390.2440 Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

390.2610 Applicability of these Standards
 390.2620 Codes and Standards
 390.2630 Preparation of Drawings and Specifications
 390.2640 Site
 390.2650 Administration and Public Areas
 390.2660 Nursing Unit
 390.2670 Dining, Play, Activity/Program Rooms
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 390.2690 Service Departments
 390.2700 General Building Requirements
 390.2710 Structural
 390.2720 Mechanical Systems
 390.2730 Plumbing Systems
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SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

390.2910 Applicability
 390.2920 Codes and Standards
 390.2930 Preparation of Drawings and Specifications
 390.2940 Site
 390.2950 Administration and Public Areas
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 390.2970 Play, Dining, Activity/Program Rooms
 390.2980 Treatment and Personal Care
 390.2990 Service Department
 390.3000 ~~Building~~ General Building Requirements
 390.3010 Structural
 390.3020 Mechanical Systems
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SUBPART O: RESIDENT'S RIGHTS

390.3210 General
 390.3220 Medical and Personal Care Program
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 390.3260 Resident's Funds
 390.3270 Residents' Advisory Council
 390.3280 Contract With Facility

390.3290 Private Right of Action
390.3300 Transfer or Discharge
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390.3320 Confidentiality
390.3330 Facility Implementation

SUBPART P: DAY CARE PROGRAMS

390.3510 Day Care in Long-Term Care Facilities

APPENDIX A Interpretation and Illustrative Services for Long-Term Care Facility for Residents Under 22 Years of Age
APPENDIX B Forms for Day Care in Long-Term Care Facilities

TABLE A Infant Feeding

TABLE B Daily Nutritional Requirements By Age Group

TABLE C Sound Transmissions Limitations

TABLE D Pressure Relationships and Ventilation Rates of Certain Areas for New Long-Term Care Facilities for Persons Under Twenty-Two (22) Years of Age

TABLE E Sprinkler Requirements

TABLE F Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq., as amended by P. A. 85-1183, effective August 13, 1988; and P. A. 85-1378, effective September 1, 1988; P. A. 86-130, effective August 3, 1989, Sections 3 and 4 effective January 1, 1990; P. A. 86-486, effective January 1, 1990; and Public Act 86-1013, effective January 3, 1990).

SOURCE: Adopted at 6 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 1, 1983; amended at 7 Ill. Reg. 16988, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; codified at 8 Ill. Reg. 19823; amended at 8 Ill. Reg. 24159, effective November 29, 1984; amended at 8 Ill. Reg. 24656, effective December 7, 1984; amended at 8 Ill. Reg. 25083, effective December 14, 1984; amended at 9 Ill. Reg. 122, effective December 26, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 16782, effective October 1, 1987; amended at 12 Ill. Reg. 931, effective December 24, 1987; amended at 12 Ill. Reg. 16780, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill.

Reg. 6301, effective April 17, 1989; amended at 13 Ill. Reg. 19521, effective December 1, 1989; amended at 14 Ill. Reg. _____, effective _____.

NOTE: Italics and capitalization denote statutory language.

Section 390.330 Definitions

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

ABUSE - ANY PHYSICAL OR MENTAL INJURY OR SEXUAL ASSAULT INFLICTED ON A RESIDENT OTHER THAN BY ACCIDENTAL MEANS IN A FACILITY. (Section 4151-103 of the Act)

ACCESS - THE RIGHT TO:

ENTER ANY FACILITY;

COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT WHO CONSENTS TO THE COMMUNICATION;

SEEK CONSENT TO COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT;

INSPECT THE CLINICAL AND OTHER RECORDS OF A RESIDENT WITH THE EXPRESS WRITTEN CONSENT OF THE RESIDENT;

OBSERVE ALL AREAS OF THE FACILITY EXCEPT THE LIVING AREA OF ANY RESIDENT WHO PROTESTS THE OBSERVATION. (Section 3-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-968, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988; Public Act 86-130, effective August 3, 1989, Sections 3 and 4 effective January 1, 1990; Public Act 86-486, effective January 1, 1990; and Public Act 86-1013, effective January 3, 1990).

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

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Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 390.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a level A or level B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

AFFILIATE MEANS:

WITH RESPECT TO A PARTNERSHIP, EACH PARTNER THEREOF.

WITH RESPECT TO A CORPORATION, EACH OFFICER, DIRECTOR AND STOCKHOLDER THEREOF.

WITH RESPECT TO A NATURAL PERSON: ANY PERSON RELATED IN THE FIRST DEGREE OF KINSHIP TO THAT PERSON; EACH PARTNERSHIP AND EACH PARTNER THEREOF OF WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS A PARTNER; AND EACH CORPORATION IN WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS AN OFFICER, DIRECTOR OR STOCKHOLDER. (Section 1-106 of the Act)

Aide or Orderly - any person providing direct personal care, training or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

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APPLICANT - ANY PERSON MAKING APPLICATION FOR A LICENSE. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

Autism - A syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; Mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

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Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - a charge nurse is a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Child Care/Habilitation Aide - any person who provides nursing, personal or rehabilitative care to residents of licensed Long-Term Care Facilities for Persons Under 22 Years of Age, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render such care. Child Care/Habilitation aides must function under the supervision of a licensed nurse.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

Community Living Facility - see Facility, Community Living.

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse. Examples of physical abuse are restraining a resident, striking, slapping, hitting, or withholding food as punishment. Examples of mental abuse are swearing, threatening and seclusion.

Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 2301 et seq.).

Department - as used in this Part means the Illinois Department of

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Public Health.

Developmentally Disabled - those individuals whose disability is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other pathological conditions which generally originate before such individuals attain age 18, and which continue, or can be expected to continue, indefinitely, and which constitute a substantial functioning handicap to such individuals.

Developmental Disability - a severe, chronic disability of a person which:

is attributable to a mental or physical impairment or combination of mental and physical impairment or combination of mental and physical impairments;

is manifest before age 22;

is likely to continue indefinitely;

results in substantial functional limitations in three or more of the following areas of major life activities:

self-care;

receptive and expressive language;

learning;

mobility;

self-direction;

capacity for independent living; and

economic self-sufficiency; and

reflects the persons's needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of life-long or extended duration and individually planned and coordinated.

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the

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American Dietetic Association; or

is a graduate of a Department-approved course that provides 90 or more hours of Classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

has training and experience in food service supervision and management in a military service equivalent in content to the program in paragraph (2) or (3) of this definition.

Dietitian - a person who:

is eligible for registration by the American Dietetic Association; or

has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Supervision - means that work is performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

DIRECTOR - THE DIRECTOR OF PUBLIC HEALTH OR HIS DESIGNEE. (Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

DISCHARGE - THE FULL RELEASE OF ANY RESIDENT FROM A FACILITY. (Section 1-111 of the Act)

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices,

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methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility.

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Equivalent of a Graduate Licensed Practical Nurse - a licensed practical nurse, licensed by waiver who successfully passes the proficiency examination approved by the U.S. Department of Health and Human Services shall be considered the equivalent of a licensed practical nurse who is a graduate of an approved school of practical nursing for the purposes of this Part.

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Community Living - a place of residence as limited in these standards for between five and 80 ambulatory adults who are mildly or moderately mentally retarded with a potential for being absorbed into the mainstream of community life.

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when used in this Part is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled. Facilities with any number less than 50 percent of developmentally disabled residents, who are determined by the Department with consultation from the Division of Developmental Disabilities, Illinois Department of Mental Health and Developmental Disabilities to need organized social support and training programs, must comply with the program requirements in these minimum Standards.

FACILITY OR LONG-TERM CARE FACILITY - A PRIVATE HOME, INSTITUTION, BUILDING, RESIDENCE, OR ANY OTHER PLACE, WHETHER OPERATED FOR PROFIT

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OR NOT, OR A COUNTY HOME FOR THE INFIRM AND CHRONICALLY ILL OPERATED PURSUANT TO THE COUNTY HOME ACT (111. Rev. Stat. 1987, ch. 34, par. 5361 et seq.), AS NOW OR HEREAFTER AMENDED, OR BY A COUNTY PURSUANT TO "AN ACT IN RELATION TO HOMES FOR THE AGED" (111. Rev. Stat. 1987, ch. 34, par. 3561 et seq.) as now or hereafter amended, OR ANY SIMILAR INSTITUTION OPERATED BY A POLITICAL SUBDIVISION OF THE STATE OF ILLINOIS, WHICH PROVIDES, THROUGH ITS OWNERSHIP OR MANAGEMENT, PERSONAL CARE, SHELTERED CARE OR NURSING FOR THREE OR MORE PERSONS, NOT RELATED TO THE APPLICANT OR OWNER BY BLOOD OR MARRIAGE. IT INCLUDES SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES AS THOSE TERMS ARE DEFINED IN TITLE XVIII AND TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C.A. 1395 et seq. and 1936 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "FACILITY" DOES NOT INCLUDE THE FOLLOWING:

A HOME, INSTITUTION, OR OTHER PLACE OPERATED BY THE FEDERAL GOVERNMENT OR AGENCY THEREOF, OR BY THE STATE OF ILLINOIS;

A HOSPITAL, SANATORIUM, OR OTHER INSTITUTION WHOSE PRINCIPAL ACTIVITY OR BUSINESS IS THE DIAGNOSIS, CARE, AND TREATMENT OF HUMAN ILLNESS THROUGH THE MAINTENANCE, CARE, AND OPERATION AS ORGANIZED FACILITIES THEREFORE, WHICH IS REQUIRED TO BE LICENSED UNDER THE HOSPITAL LICENSING ACT (111. Rev. Stat. 1987, ch. 111 1/2, par. 142 et seq.) AS NOW OR HEREAFTER AMENDED; OR

ANY "FACILITY FOR CHILD CARE" AS DEFINED IN THE CHILD CARE ACT OF 1969 (111. Rev. Stat. 1987, ch. 23, par. 2211 et seq.) AS NOW OR HEREAFTER AMENDED; OR, ~~(Section 1-113 of the Act)~~

ANY NURSING HOME OR SANATORIUM OPERATED SOLELY BY AND FOR PERSONS WHO RELY EXCLUSIVELY UPON TREATMENT BY SPIRITUAL MEANS THROUGH PRAYER, IN ACCORDANCE WITH THE CREED OR TENETS OF ANY WELL-RECOGNIZED CHURCH OR RELIGIOUS DENOMINATION. HOWEVER, SUCH NURSING HOME OR SANATORIUM SHALL COMPLY WITH ALL LOCAL LAWS AND RULES RELATING TO SANITATION AND SAFETY. (Section 1-113 of the Act)

Facility, Long-Term Care, for Residents Under 22 Years of Age - when used in these standards is synonymous with a long-term care facility for residents under 22 years of age, which facility provides total rehabilitative health care to residents who require specialized treatment, training and continuous nursing care because of medical or developmental disabilities.

Facility, Sheltered Care - when used in this Part is synonymous with a sheltered care facility, which facility provides maintenance, and

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personal care and oversight.

Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two month period of time.

Full-time - means on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

GUARDIAN - A PERSON APPOINTED AS A GUARDIAN OF THE PERSON OR GUARDIAN OF THE ESTATE OR BOTH, OF A RESIDENT UNDER THE PROBATE ACT OF 1975 (111. Rev. Stat. 1987, ch. 110 1/2, par. 1-1 et seq.) AS NOW OR HEREAFTER AMENDED. (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not for profit corporation incorporated under, or qualified as a foreign

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corporation under, the General Not For Profit Corporation Act as heretofore or hereafter amended (Ill. Rev. Stat. 1987, ch. 32, par. 101.01 et seq.); or, by a county pursuant to "AN ACT in relation to homes for the aged" as heretofore or hereafter amended (Ill. Rev. Stat. 1987, ch. 34, par. 3561 et seq.); or, pursuant to a trust or endowment established for nonprofit, charitable purposes, and which provides maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are 60 or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

House Manager - a qualified person on duty 40 hours a week managing the Community Living Facility and responsible for its operation and its inhabitants.

Individual Educational Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Institutional Occupancy - when used in this Part means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of the Life Safety Code, National Fire Protection Association (1967 Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for The Developmentally Disabled (ICF/DD's) at least one member of the team shall be a Qualified Mental Retardation Professional.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act (Ill. Rev. Stat. 1987, ch. 111, par. 3651 et seq.), as now or hereafter amended.

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

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LICENSEE - THE PERSON OR ENTITY LICENSED TO OPERATE THE FACILITY AS PROVIDED UNDER THE ACT. (Section 1-115 of the Act)

Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

MAINTENANCE - FOOD, SHELTER, AND LAUNDRY SERVICES. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of devices such as walkers, crutches, wheelchairs, and wheeled platforms.

Mobile Resident - any resident who is able to move about either independently or with the aid of assistive devices such as walkers, crutches, wheelchairs, and wheeled platforms.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

Multidisciplinary - see Interdisciplinary Team.

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NEGLECT - A FAILURE IN A FACILITY TO PROVIDE ADEQUATE MEDICAL OR PERSONAL CARE OR MAINTENANCE, WHICH FAILURE RESULTS IN PHYSICAL OR MENTAL INJURY TO A RESIDENT OR IN THE DETERIORATION OF A RESIDENT'S PHYSICAL OR MENTAL CONDITION. (Section 1-117 of the Act)

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

NURSE - A REGISTERED NURSE OR A LICENSED PRACTICAL NURSE AS DEFINED IN THE ILLINOIS NURSING ACT OF 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 3501 et seq.) AS NOW OR HEREFTER AMENDED. (Section 1-118 of the Act)

Nursing Assistant - Any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable distinct part of a facility consisting of all the beds within the distinct part, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

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Occupational Therapist, Registered (OTR) - a person who is registered with the Department of Professional Regulation as an occupational therapist under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 3701 et seq.).

Occupational Therapy Assistant - a person who is registered with the Department of Professional Regulation as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 3701 et seq.).

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Oversight - general watchfulness and appropriate action to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

OWNER - THE INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER PERSON WHO OWNS A FACILITY. IN THE EVENT A FACILITY IS OPERATED BY A PERSON WHO LEASES THE PHYSICAL PLANT, WHICH IS OWNED BY ANOTHER PERSON, "OWNER" MEANS THE PERSON WHO OPERATES THE FACILITY, EXCEPT THAT IF THE PERSON WHO OWNS THE PHYSICAL PLANT IS AN AFFILIATE OF THE PERSON WHO OPERATES THE FACILITY AND HAS SIGNIFICANT CONTROL OVER THE DAY-TO-DAY OPERATIONS OF THE FACILITY, THE PERSON WHO OWNS THE PHYSICAL PLANT SHALL INCUR JOINTLY AND SEVERALLY WITH THE OWNER ALL LIABILITIES IMPOSED ON AN OWNER UNDER THE ACT. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

PERSONAL CARE - ASSISTANCE WITH MEALS, DRESSING, MOVEMENT, BATHING, OR OTHER PERSONAL NEEDS, OR GENERAL SUPERVISION AND OVERSIGHT OF THE PHYSICAL AND MENTAL WELL-BEING OF AN INDIVIDUAL, EXCLUSIVE OF NURSING, WHO BECAUSE OF AGE, PHYSICAL OR MENTAL DISABILITY, EMOTIONAL OR BEHAVIOR DISORDER, OR MENTAL RETARDATION IS INCAPABLE OF MAINTAINING A PRIVATE, INDEPENDENT RESIDENCE, OR WHO IS INCAPABLE OF MANAGING HIS PERSON WHETHER OR NOT A GUARDIAN HAS BEEN APPOINTED. (Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4121 et seq.).

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Physical Therapy Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered with the Department of Professional Regulation as a physical therapist under the Illinois Physical Therapy License Act (Ill. Rev. Stat. 1987, ch. 111, par. 4251 et seq.).

Physician - any person licensed by the State of Illinois to practice medicine in all its branches as provided in the Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4400-1 et seq.).

Probationary License - an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

Program Coordinator - a qualified person directly responsible for the overall program, operation and management of a Community Living Facility.

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed by the Illinois Department of Professional Regulation to practice clinical psychology under the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1987, ch. 111, par. 5351 et seq.).

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

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Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified by the State of Illinois, if required.

REASONABLE VISITING HOURS - ANY TIME BETWEEN THE HOURS OF 10 A.M. AND 8 P.M. DAILY. (Section 1-121 of the Act)

Registered Nurse - a person with a valid Illinois license from the Illinois Department of Professional Regulation to practice as a registered professional nurse under the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 3501 et seq.).

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

RESIDENT - PERSON RESIDING IN AND RECEIVING PERSONAL CARE FROM A FACILITY. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

RESIDENT'S REPRESENTATIVE - A PERSON OTHER THAN THE OWNER, OR AN AGENT OR EMPLOYEE OF A FACILITY NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Restraint - any physical, mechanical, or chemical means, or the use thereof, that restricts movement of the limbs, head, or body of a resident, except when used as a safety device or as part of a medically prescribed procedure for the treatment of an existing

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physical disorder or the amelioration of a physical or emotional handicap.

Mechanical restraint is any mechanical device, or use thereof, that so restricts movement.

Physical restraint is the use of personal human force that so restricts movement.

Chemical restraint is the use of any chemical that so restricts movement.

Mechanical supports used to achieve proper body position and balance are not restraints. The partial or total immobilization of a resident for the purpose of performing a medical/surgical procedure is not restraint.

Restriction - the placement of a limitation on a resident's rights, which includes the use of restraints, confinement, aversive stimuli, and time out exceeding 15 minutes at any one time.

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Safety Device - any equipment or protective device used on a bed, chair, or resident which prevents him from falling or otherwise injuring himself. Examples are: bedside rails, geriatric or adaptive chairs, a wide band, vest or sheet applied to prevent falling out of a bed or chair, and hand socks applied to prevent injuring one's self.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident in a room which the resident cannot open.

Self Preservation - the ability to follow directions and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

SHELTERED CARE - MAINTENANCE AND PERSONAL CARE. (Section 1-124 of the Act)

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Social Worker, Qualified - a person who:

is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 6351 et seq., as amended by Public Act 85-1131, effective July 21, 1988); and

is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Master's Degree programs); and

has one year of social work experience in a health care setting.

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

STOCKHOLDER OF A CORPORATION - ANY PERSON WHO, DIRECTLY OR INDIRECTLY, BENEFICIALLY OWNS, HOLDS OR HAS THE POWER TO VOTE, AT LEAST FIVE PERCENT OF ANY CLASS OF SECURITIES ISSUED BY THE CORPORATION. (Section 1-125 of the Act)

Story - when used in this Part means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

STUDENT INTERN - MEANS ANY PERSON WHOSE TOTAL TERM OF EMPLOYMENT IN ANY FACILITY DURING ANY 12-MONTH PERIOD IS EQUAL TO OR LESS THAN 90 CONTINUOUS DAYS, AND WHOSE TERM OF EMPLOYMENT IS EITHER:

AN ACADEMIC CREDIT REQUIREMENT IN A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION; OR

IMMEDIATELY SUCCEEDS A FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, PROVIDED THAT SUCH PERSON IS REGISTERED FOR ANOTHER FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION WHICH QUARTER, SEMESTER OR TRIMESTER WILL COMMENCE IMMEDIATELY FOLLOWING THE TERM OF EMPLOYMENT. (Section 1-125.1 of the Act)

Substantial - meeting requirements except for variance from the strict and literal performance which result in unimportant omissions

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or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 390.280(q)(8), 390.280(k)(2) and 390.280(k)(4).

Substantial failure - the failure to meet requirements other than a variance from the strict and literal performance which result in important omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 390.180(b)(1) and 390.260(f).

Sufficient - Same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in this Part, the supervisor must be on the premises if the person does not meet assistant level (two year training program) qualifications specified in these definitions.

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

TITLE XVIII - TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREAFTER AMENDED. (Section 1-126 of the Act)

TITLE XIX - TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREAFTER AMENDED. (Section 1-127 of the Act)

TRANSFER - A CHANGE IN STATUS OF A RESIDENT'S LIVING ARRANGEMENTS FROM ONE FACILITY TO ANOTHER FACILITY. (Section 1-128 of the Act)

TYPE A VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY PRESENTING A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR PHYSICAL HARM TO A RESIDENT WILL RESULT THEREFROM. (Section 1-129 of the Act)

TYPE B VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY DIRECTLY THREATENING TO THE

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HEALTH, SAFETY OR WELFARE OF A RESIDENT. (Section 1-130 of the Act)
Unit - an entire physically identifiable residence area, in Community Living Facilities consisting of not less than five nor more than 20 beds, and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective regulations governing the approved levels of service.

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 390.1030 Physician Services

a) General Requirements for Physician Services

- 1) The services of a physician licensed to practice medicine in Illinois shall be available to every resident in the facility. ~~Residents in facilities operated under bona-fide Christian Science auspices may be exempt from this requirement (A, B)~~
- 2) Physician services are to include a complete physical examination at least annually and formal arrangements to provide for medical and behavior emergencies on a 24 hour seven day week basis. (B)
- b) The resident shall be permitted his choice of a physician. If the resident is a minor or under guardianship, the appropriate person shall have this privilege.
- c) The resident shall be seen by a physician as often as necessary to assure adequate medical care. (Medicare/Medicaid requires certification visits.) (A, B)
- d) Physicians shall participate, when appropriate, in the continuing interdisciplinary evaluation of individual residents, for the purposes of initiating, monitoring, and following-up of individualized habilitation programs for treatment.

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e) Physician Signature Requirements

- 1) All physician orders, plans of treatment, Medicare/Medicaid Certification and recertification statements and similar documents must have the original written signature of the physician.
- 2) The use of a physician's rubber stamp signature with or without initials is not acceptable.

f) Each resident admitted shall have a complete physical examination, including stool culture, within two weeks prior to admission. There shall be another physical examination (which need not include a stool culture) conducted by the physician who will be attending the resident in the facility within 72 hours after admission to the facility unless the preadmission examination has been conducted by the same physician. In any case, the facility shall have the results of a stool culture before a resident is admitted. This examination shall include an evaluation of the resident's condition, including height and weight, and recommendations for care of the resident including personal care needs and permission for participation in the activity and developmental program. This examination shall also include documentation of the presence or the absence of tuberculosis infection by tuberculin skin test in accordance with Section 390.1035. The report shall also include documentation of the presence or absence of incipient or manifest decubitus ulcers (commonly known as bed sores) with grade, size and location specified, and orders for treatment if present. (A photograph of incipient or manifest decubitus ulcers is recommended on admission.) The report shall also include orders from the physician regarding weighing of the resident, and the frequency of such weighing, if ordered. (See Section 390.1620(a)) (B)

g) The admission information for a resident shall include summary of present medical findings, medical history, mental and physical functioning capacity, diagnosis and prognosis when available and; it shall also include orders for medications, treatments, restorative (re)habilitation services, diet, specific procedures recorded for the health and safety of the resident, activities and plans for continuing care and discharge. If this information is not received with the resident at the time of admission, it must be received within 48 hours.

h) All admissions to or continued care in the facility shall be upon the recommendation of a physician.

i) The provisions of subsections (f), (g) and (h) of this Section will not apply in the use of emergency admissions. In such a case, the

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physician shall meet the criteria in these standards within 72 hours.

j) Physician Notification

- 1) The facility shall immediately notify the physician of any significant accident, injury, or unusual change in a resident's condition that threatens the health, safety or welfare of a resident, including, but not limited to, the presence of incipient or manifest decubitus ulcers or a weight loss or gain of five percent or more within a period of 30 days. (B)
- 2) The facility shall obtain and record the physician's plan of care for the care or treatment of such accident, injury or change in condition at the time of notification.
- k) At the time of an accident, immediate first aid treatment shall be provided by personnel trained in medically approved first aid procedures. (B)

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 390.3220 Medical and Personal Care Program

- a) A RESIDENT SHALL BE PERMITTED TO RETAIN THE SERVICES OF HIS OWN PERSONAL PHYSICIAN AT HIS OWN EXPENSE UNDER AN INDIVIDUAL OR GROUP PLAN OF HEALTH INSURANCE, OR UNDER ANY PUBLIC OR PRIVATE ASSISTANCE PROGRAM PROVIDING SUCH COVERAGE. (B) (Section 2-104(a) of the Act) (B)
- b) THE DEPARTMENT SHALL NOT PRESCRIBE THE COURSE OF MEDICAL TREATMENT PROVIDED TO AN INDIVIDUAL RESIDENT BY THE RESIDENT'S PHYSICIAN IN A FACILITY. (Section 2-104(a) of the Act)
- c) EVERY RESIDENT SHALL BE PERMITTED TO OBTAIN FROM HIS OWN PHYSICIAN OR THE PHYSICIAN ATTACHED TO THE FACILITY COMPLETE AND CURRENT INFORMATION CONCERNING HIS MEDICAL DIAGNOSIS, TREATMENT AND PROGNOSIS IN TERMS AND LANGUAGE THE RESIDENT CAN REASONABLY BE EXPECTED TO UNDERSTAND. (Section 2-104(a) of the Act)
- d) ALL RESIDENTS SHALL BE PERMITTED TO PARTICIPATE IN THE PLANNING OF THEIR TOTAL CARE AND MEDICAL TREATMENT TO THE EXTENT THAT THEIR CONDITION PERMITS. (Section 2-104(a) of the Act)
- e) NO RESIDENT SHALL BE SUBJECTED TO EXPERIMENTAL RESEARCH OR TREATMENT WITHOUT FIRST OBTAINING HIS INFORMED, WRITTEN CONSENT. THE CONDUCT OF ANY EXPERIMENTAL RESEARCH OR TREATMENT SHALL BE AUTHORIZED AND MONITORED BY AN INSTITUTIONAL REVIEW COMMITTEE APPOINTED BY THE ADMINISTRATOR OF THE FACILITY WHERE SUCH RESEARCH AND TREATMENT IS

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CONDUCTED. (A₂-B) (Section 2-104(a) of the Act) (A, B)

f) ALL MEDICAL TREATMENT AND PROCEDURES SHALL BE ADMINISTERED AS ORDERED BY A PHYSICIAN. ALL NEW PHYSICIAN ORDERS SHALL BE REVIEWED BY THE FACILITY'S DIRECTOR OF NURSING OR CHARGE NURSE DESIGNED WITHIN 24 HOURS AFTER SUCH ORDERS HAVE BEEN ISSUED TO ASSURE FACILITY COMPLIANCE WITH SUCH ORDERS. EVERY WOMAN RESIDENT OF CHILD-BEARING AGE SHALL RECEIVE ROUTINE OBSTETRICAL AND GYNECOLOGICAL EVALUATIONS AS WELL AS NECESSARY PRENATAL CARE. (Section 2-104(b) of the Act)

1) "Routine obstetrical evaluations" shall include, as a minimum, the following:

A) A comprehensive health history, including menstrual history, data on the current pregnancy that allow the physician to estimate the date of delivery;

B) Identification of factors in the current pregnancy that help to identify the patient at high risk, such as maternal age, vaginal bleeding, edema, urinary infection, exposure to radiation and chemicals, ingestion of drugs and alcohol, and use of tobacco;

C) A comprehensive physical examination, including an evaluation of nutritional status; determination of height, weight and blood pressure; examination of the head, breasts, heart, lungs, abdomen, pelvis, rectum, and extremities.

D) The following laboratory tests, as early in pregnancy as possible. Findings obtained from the history and physical examination may determine the need for additional laboratory evaluations.

- i) Hemoglobin or hematocrit measurement
- ii) Urinalysis, including microscopic examination or culture
- iii) Blood group and Rh type determination
- iv) Antibody screen
- v) Rubella antibody titer measurement
- vi) Syphilis screen
- vii) Cervical cytology

E) A risk assessment, which, based on the findings of the history and physical examination, should indicate any risk factors that may require special management, such as cardiovascular disease, maternal age less than 15 years or more than 35 years, neurologic disorder, or congenital

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abnormalities.

2) "Necessary prenatal care" shall include, as a minimum, the following, as recommended by ACOG:

A) Return visits, the frequency of which will be determined by the patient's needs and risk factors. Generally a woman with an uncomplicated pregnancy should be seen every 4 weeks for the first 28 weeks of pregnancy, every 2-3 weeks until 36 weeks of gestation, and weekly thereafter.

B) The physical examination at each visit should include determinations of blood pressure, measured fundal height, fetal heart rate, and, in later months, fetal presentation, and urinalysis for albumin and glucose. Hemoglobin or hematocrit level should be measured again early in the third trimester. Glucose screening is recommended for women who are 30 years of age or older.

C) Evaluation and monitoring of nutritional status and habits.

D) Education for health promotion and maintenance.

E) Counseling concerning exercise and child birth education programs.

F) Postpartum review and evaluation 4-8 weeks after delivery, including determination of weight and blood pressure and assessment of status of breasts, abdomen, and external and internal genitalia.

3) "Routine gynecological evaluations" shall include, as a minimum, the following:

A) An initial examination, the basic components of which are:

i) History; any present illnesses; menstrual, reproductive, medical, surgical, emotional, social, family, and sexual history; medications; allergies; family planning; and systems review.

ii) Physical examination, including height, weight, nutritional status, and blood pressure; head and neck, including thyroid gland; heart; lungs; breasts; abdomen; pelvis, including external and internal genitalia; rectum; extremities, including signs of abuse; lymph nodes.

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ii) Laboratory tests, including urine screen; hemoglobin or hematocrit determination and, if indicated, complete blood cell count; cervical cytology; rubella titer.

B) Annual updates:

i) History, including the purpose of the visit; menstrual history; interval history, including systems review; emotional history:

ii) Physical examination, including weight, nutritional status and blood pressure; thyroid gland; breasts; abdomen; pelvis, including external and internal genitalia; rectum; other areas as indicated by the interval history.

iii) Laboratory, including urine screen; cervical cytology, unless not indicated; hemoglobin or hematocrit determinations.

iv) Additional laboratory tests, such as screening for sexually transmitted disease, should be performed as warranted by the history, physical findings, and risk factors.

D) Cancer screening.

i) An annual and Pap test for all women who are or have been sexually active or have reached age 18.

ii) Mammography if indicated.

g) EVERY RESIDENT SHALL BE PERMITTED TO REFUSE MEDICAL TREATMENT AND TO KNOW THE CONSEQUENCES OF SUCH ACTION, UNLESS SUCH REFUSAL WOULD BE HARMFUL TO THE HEALTH AND SAFETY OF OTHERS AND SUCH HARM IS DOCUMENTED BY A PHYSICIAN IN THE RESIDENT'S CLINICAL RECORD. (b) (Section 2-104(c)(b) of the Act) (B)

h) EVERY RESIDENT, RESIDENT'S GUARDIAN, OR PARENT (IF THE RESIDENT IS A MINOR) SHALL BE PERMITTED TO INSPECT AND COPY ALL OF THE CLINICAL AND OTHER RECORDS CONCERNING THE RESIDENT'S CARE AND MAINTENANCE KEPT BY THE FACILITY OR BY THE RESIDENT'S PHYSICIAN. (Section 2-104(c) of the Act)

i) EVERY RESIDENT'S REPRESENTATIVE SHALL BE PERMITTED TO INSPECT AND COPY THE RESIDENT'S RECORDS. A "RESIDENT'S REPRESENTATIVE" IS A PERSON, OTHER THAN THE OWNER OR AN AGENT OR EMPLOYEE OF A FACILITY

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WHO IS NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR REPRESENTATIVE FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Sections 1-123 and 2-202(h) of the Act)

j) ALL RESIDENTS SHALL BE PERMITTED RESPECT AND PRIVACY IN THEIR MEDICAL AND PERSONAL CARE PROGRAM. EVERY RESIDENT'S CASE DISCUSSION, CONSULTATION, EXAMINATION AND TREATMENT SHALL BE CONFIDENTIAL AND SHALL BE CONDUCTED DISCREETLY, AND THOSE PERSONS NOT DIRECTLY INVOLVED IN THE RESIDENT'S CARE MUST HAVE THE RESIDENT'S PERMISSION TO BE PRESENT. (b) (Section 2-105 of the Act) (B)

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 390.3240 Abuse and Neglect

a) AN OWNER, LICENSEE, ADMINISTRATOR, EMPLOYEE OR AGENT OF A FACILITY SHALL NOT ABUSE OR NEGLECT A RESIDENT. (A)-(B) (Section 2-107 of the Act) (A, B)

b) A FACILITY EMPLOYEE OR AGENT WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL IMMEDIATELY REPORT THE MATTER TO THE FACILITY ADMINISTRATOR. (Section 3-610 of the Act)

c) A FACILITY ADMINISTRATOR WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL IMMEDIATELY REPORT THE MATTER BY TELEPHONE AND IN WRITING TO THE RESIDENT'S REPRESENTATIVE. (Section 3-610 of the Act)

d) A FACILITY ADMINISTRATOR, EMPLOYEE, OR AGENT WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL ALSO REPORT THE MATTER TO THE DEPARTMENT. (Section 3-610 of the Act)

e) EMPLOYEE AS PERPETRATOR OF ABUSE. WHEN AN INVESTIGATION OF A REPORT OF SUSPECTED ABUSE OF A RESIDENT INDICATES, BASED UPON CREDIBLE EVIDENCE, THAT AN EMPLOYEE OF A LONG-TERM CARE FACILITY IS THE PERPETRATOR OF THE ABUSE, THAT EMPLOYEE SHALL IMMEDIATELY BE BARRED FROM ANY FURTHER CONTACT WITH RESIDENTS OF THE FACILITY, PENDING THE OUTCOME OF ANY FURTHER INVESTIGATION, PROSECUTION OR DISCIPLINARY ACTION AGAINST THAT EMPLOYEE. (Section 3-611 of the Act)

f) RESIDENT AS PERPETRATOR OF ABUSE. WHEN AN INVESTIGATION OF A REPORT OF SUSPECTED ABUSE OF A RESIDENT INDICATES, BASED UPON CREDIBLE EVIDENCE, THAT ANOTHER RESIDENT OF THE LONG-TERM CARE FACILITY IS THE PERPETRATOR OF THE ABUSE, THAT RESIDENT'S CONDITION SHALL BE IMMEDIATELY EVALUATED TO DETERMINE THE MOST SUITABLE THERAPY AND PLACEMENT FOR THE RESIDENT, CONSIDERING THE SAFETY OF THAT RESIDENT AS WELL AS THE SAFETY OF OTHER RESIDENTS AND EMPLOYEES OF THE FACILITY. (Section 3-612 of the Act)

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(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 390.3260 Resident's Funds

- a) A RESIDENT SHALL BE PERMITTED TO MANAGE HIS OWN FINANCIAL AFFAIRS UNLESS HE OR HIS GUARDIAN OR IF THE RESIDENT IS A MINOR, HIS PARENT, AUTHORIZES THE ADMINISTRATOR OF THE FACILITY IN WRITING TO MANAGE SUCH RESIDENT'S FINANCIAL AFFAIRS UNDER SUBSECTIONS (b) THROUGH (on) OF THIS SECTION. (Section 2-102 of the Act)
- b) THE FACILITY SHALL AT THE TIME OF ADMISSION, PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN STATEMENT EXPLAINING THE RESIDENT'S RIGHTS REGARDING PERSONAL FUNDS AND LISTING THE SERVICES FOR WHICH THE RESIDENT WILL BE CHARGED, AND OBTAIN A SIGNED ACKNOWLEDGEMENT FROM EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, THAT SUCH PERSON HAS RECEIVED THE STATEMENT. (Section 2-201(1) of the Act)
- c) THE FACILITY MAY ACCEPT FUNDS FROM A RESIDENT FOR SAFEKEEPING AND MANAGING, IF IT RECEIVES WRITTEN AUTHORIZATION FROM, IN ORDER OF PRIORITY, THE RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY; SUCH AUTHORIZATION SHALL BE ATTESTED TO BY A WITNESS WHO HAS NO PECUNIARY INTEREST IN THE FACILITY OR ITS OPERATIONS, AND WHO IS NOT CONNECTED IN ANY WAY TO FACILITY PERSONNEL OR THE ADMINISTRATOR IN ANY MANNER WHATSOEVER. (Section 2-201(2) of the Act)
- d) THE FACILITY SHALL MAINTAIN AND ALLOW, IN ORDER OF PRIORITY, EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, ACCESS TO A WRITTEN RECORD OF ALL FINANCIAL ARRANGEMENTS AND TRANSACTIONS INVOLVING THE INDIVIDUAL RESIDENT'S FUNDS. (Section 2-201(3) of the Act)
- e) THE FACILITY SHALL PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN ITEMIZED STATEMENT AT LEAST QUARTERLY, OF ALL FINANCIAL TRANSACTIONS INVOLVING THE RESIDENT'S FUNDS. (Section 2-201(4) of the Act)
- f) THE FACILITY SHALL PURCHASE A SURETY BOND TO GUARANTEE THE SECURITY OF RESIDENT'S FUNDS. (Section 2-201(5) of the Act)
- g) THE FACILITY SHALL KEEP ANY FUNDS RECEIVED FROM A RESIDENT FOR

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- h) THE FACILITY SHALL DEPOSIT ANY FUNDS RECEIVED FROM A RESIDENT IN EXCESS OF \$100 IN AN INTEREST BEARING ACCOUNT INSURED BY AGENCIES OF, OR CORPORATIONS CHARTERED BY, THE STATE OR FEDERAL GOVERNMENT. THE ACCOUNT SHALL BE IN A FORM WHICH CLEARLY INDICATES THAT THE FACILITY HAS ONLY A FIDUCIARY INTEREST IN THE FUNDS AND ANY INTEREST FROM THE ACCOUNT SHALL ACCRUE TO THE RESIDENT. (Section 2-201(7) of the Act)
- i) THE FACILITY MAY KEEP UP TO \$100 OF A RESIDENT'S MONEY IN A NON-INTEREST BEARING ACCOUNT OR PETTY CASH FUND, TO BE READILY AVAILABLE FOR THE RESIDENT'S CURRENT EXPENDITURES. (Section 2-201(7) of the Act)
- j) THE FACILITY SHALL RETURN TO THE RESIDENT, OR THE PERSON WHO EXECUTED THE WRITTEN AUTHORIZATION REQUIRED IN SUBSECTION (c) OF THIS SECTION, UPON WRITTEN REQUEST, ALL OR ANY PART OF THE RESIDENT'S FUNDS GIVEN THE FACILITY FOR SAFEKEEPING, INCLUDING THE INTEREST ACCRUED FROM DEPOSITS. (Section 2-201(8) of the Act)
- k) THE FACILITY SHALL PLACE ANY MONTHLY ALLOWANCE TO WHICH A RESIDENT IS ENTITLED IN THAT RESIDENT'S PERSONAL ACCOUNT, OR GIVE IT TO THE RESIDENT, UNLESS THE FACILITY HAS WRITTEN AUTHORIZATION FROM THE RESIDENT OR THE RESIDENT'S GUARDIAN, OR IF THE RESIDENT IS A MINOR, HIS PARENT, TO HANDLE IT DIFFERENTLY. (Section 2-201(9) of the Act)
- l) UNLESS OTHERWISE PROVIDED BY STATE LAW, THE FACILITY SHALL UPON THE DEATH OF A RESIDENT PROVIDE THE EXECUTOR OR ADMINISTRATOR OF THE RESIDENT'S ESTATE WITH A COMPLETE ACCOUNTING OF ALL THE RESIDENT'S PERSONAL PROPERTY, INCLUDING ANY FUNDS OF THE RESIDENT BEING HELD BY THE FACILITY. (Section 2-201(10) of the Act)
- m) IF AN ADULT RESIDENT IS INCAPABLE OF MANAGING HIS FUNDS AND DOES NOT HAVE A RESIDENT'S REPRESENTATIVE, GUARDIAN, OR AN IMMEDIATE FAMILY MEMBER THE FACILITY SHALL NOTIFY THE OFFICE OF THE STATE GUARDIAN OF THE GUARDIANSHIP AND ADVOCACY COMMISSION. (Section 2-201(11) of the Act)
- n) IF THE FACILITY IS SOLD, THE SELLER SHALL PROVIDE THE BUYER WITH A WRITTEN VERIFICATION BY A PUBLIC ACCOUNTANT OF ALL RESIDENTS' MONIES AND PROPERTIES BEING TRANSFERRED, AND OBTAIN A SIGNED RECEIPT FROM THE NEW OWNER. (Section 2-201(12) of the Act)

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o) THE FACILITY SHALL TAKE ALL STEPS NECESSARY TO ENSURE THAT A PERSONAL NEEDS ALLOWANCE THAT IS PLACED IN A RESIDENT'S PERSONAL ACCOUNT IS USED EXCLUSIVELY BY THE RESIDENT OR FOR THE BENEFIT OF THE RESIDENT. WHERE SUCH FUNDS ARE WITHDRAWN FROM THE RESIDENT'S PERSONAL ACCOUNT BY ANY PERSON OTHER THAN THE RESIDENT, THE FACILITY SHALL REQUIRE SUCH PERSON TO WHOM FUNDS CONSTITUTING ANY PART OF A RESIDENT'S PERSONAL NEEDS ALLOWANCE ARE RELEASED TO EXECUTE AN AFFIDAVIT THAT SUCH FUNDS SHALL BE USED EXCLUSIVELY FOR THE BENEFIT OF THE RESIDENT. (Section 2-201(9)(b) of the Act). "Personal needs allowance," for the purposes of this subsection, refers to the monthly allowance allotted by the Illinois Department of Public Aid to public aid recipients.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

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1) Heading of the Part:

Sheltered Care Facilities Code

2) Code Citation:

77 Ill. Adm. Code 330

3) Section Numbers:

330.330
330.913
330.1110
330.4220
330.4240
330.4260

Proposed Action:

Amendments
Amendments
Amendments
Amendments

4) Statutory Authority:

The Nursing Home Care Act 111. Rev. Stat. 1987, ch. 111 1/2, pars. 4151-101 et seq., as amended by Public Act 85-1183, effective August 13, 1988; Public Act 85-1378, effective September 1, 1988; Public Act 86-130, effective August 3, 1989, Sections 3 and 4 effective January 1, 1990; Public Act 86-486, effective January 1, 1990; and Public Act 86-1013, effective January 3, 1990).

5) A Complete Description of the Subjects and Issues Involved:

The following amendments are being proposed by the Department of Public Health to implement legislation passed by the 86th General Assembly amending the Nursing Home Care Act. Related amendments to the rules governing the licensure of skilled nursing and intermediate care facilities (77 Ill. Adm. Code 300), intermediate care facilities for persons with developmental disabilities (77 Ill. Adm. Code 350), and long-term care facilities for persons under age 22 (77 Ill. Adm. Code 390) are also being proposed.

Definition of facility: The Department is proposing to amend the definition of "facility" in Section 300.330 to implement Public 86-130, which amends the Nursing Home Care Act to exempt from the definition of "facility" any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well recognized church or religious denomination.

Christian Science facilities: In Section 330.1110, the Department is deleting a provision stating that residents in facilities operated under

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bonafide Christian Science auspices may be exempt from the requirement that the services of an Illinois licensed physician be available to every resident of a facility. Pursuant to Public Act 86-130, such facilities are no longer required to be licensed.

Medical treatment and procedures: Section 330.4220 is being amended in accordance with an amendment to Section 2-104(b) of the Nursing Home Care Act that requires all medical treatment and procedures to be administered as ordered by a physician. All new physician orders are to be reviewed by the facility's director of nursing or charge nurse designee within 24 hours after issuance. In addition, every woman resident of child-bearing age is to receive routine obstetrical and gynecological evaluations and necessary prenatal care. Guidelines of the American College of Obstetricians and Gynecologists have been included to more clearly define what constitutes "routine obstetrical and gynecological evaluations and necessary prenatal care." These changes are necessitated by Public Act 86-1013.

Employee or resident as perpetrator of abuse: The amendment of Section 330.4240 is proposed to include provisions concerning the perpetration of abuse by residents or employees. An employee who is the perpetrator of abuse will immediately be barred from any further contact with residents of the facility, pending the outcome of any further investigation, prosecution or disciplinary action against the employee. The condition of a resident who is the perpetrator of abuse will be evaluated to determine the most suitable therapy and placement for the resident, considering the safety of the resident as well as the safety of other residents and employees of the facility.

Personal needs allowance: Also in accordance with Public Act 86-1013, the Department is proposing the amendment of Section 300.4260 to implement Public Act 86-486, which requires facilities to take all steps necessary to ensure that a personal needs allowance that is placed in a resident's personal account is used exclusively by the resident or for the benefit of the resident. A definition of the term "personal needs allowance" is also included.

In addition to the amendments implementing legislation, the Department is proposing to amend Section 330.913 to alleviate a situation that has arisen in the enforcement of the Department's recently adopted requirements governing nursing and personal care assistants, which became effective on December 1, 1989. Although Section 3-206 of the Nursing Home Care Act authorizes a required training course, aides in sheltered care facilities were not required to take such a course prior to December 1, 1989. To allow aides who are currently employed in a sheltered care facility to continue their employment without being required to complete the training course, Section 330.913 is being amended to delay enforcement

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of the training course requirement until July 1, 1990, for aides who provide documentation of employment in a sheltered care facility as of March 1, 1990.

The economic effect of this rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of this notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ☐ No ☒

If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☐

9) Are there any other Proposed Amendments Pending on this Part?

Yes ☒ No ☐

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
300.2110	Amendments	14 Ill. Reg. 1827
300.2210	Amendments	14 Ill. Reg. 1827
300.2230	Amendments	14 Ill. Reg. 1827
300.2420	Amendments	14 Ill. Reg. 1827
300.2920	Amendments	14 Ill. Reg. 1827
300.2930	Amendments	14 Ill. Reg. 1827
300.3060	Amendments	14 Ill. Reg. 1827
300.3120	Amendments	14 Ill. Reg. 1827
300.3130	Amendments	14 Ill. Reg. 1827

10) Statement of Statewide Policy Objectives:

Please specify: This rulemaking neither creates nor expands a State Mandate.

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- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

- A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

June 5, 1990

- B) Type of Small Businesses Affected:

Sheltered Care facilities.

- C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

No additional reporting, bookkeeping or other procedures are required for compliance.

- D) Types of Professional Skills Necessary for Compliance:

No additional professional skills are necessary for compliance

The full text of the Proposed Amendments begins on the next page:

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TITLE 77 PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 330

SHELTERED CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
330.110	General Requirements
330.120	Application for License
330.130	License
330.140	Issuance of an Initial License For a New Facility
330.150	Issuance of an Initial License Due to a Change of Ownership
330.160	Issuance of a Renewal License
330.165	Criteria for Adverse License Actions
330.170	Denial of Initial License
330.175	Denial of Renewal of License
330.180	Revocation of License
330.190	Experimental Program Conflicting With Requirements
330.200	Inspections, Surveys, Evaluations and Consultation
330.210	Filing an Annual Attested Financial Statement
330.220	Information to Be Made Available to the Public By the Department
330.230	Information to Be Made Available to the Public By the Licensee
330.240	Municipal Licensing
330.250	Ownership Disclosure
330.260	Issuance of Conditional Licenses
330.270	Monitor and Receivership
330.272	Determination to Issue a Notice of Violation or Administrative Warning
330.274	Determination of the Level of a Violation
330.276	Notice of Violation
330.277	Administrative Warning
330.278	Plans of Correction
330.280	Reports of Correction
330.282	Conditions for Assessment of Penalties
330.284	Calculation of Penalties
330.286	Determination to Assess Penalties
330.288	Reduction or Waiver of Penalties
330.290	Quarterly List of Violators
330.300	Alcoholism Treatment Programs In Long-Term Care Facilities
330.310	Department May Survey Facilities Formerly Licensed
330.320	Waivers
330.330	Definitions
330.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

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330.510 Administrator

SUBPART C: POLICIES

330.710 Resident Care Policies
 330.720 Admission and Discharge Policies
 330.730 Contract Between Resident and Facility
 330.740 Residents' Advisory Council
 330.750 General Policies
 330.760 Personnel Policies
 330.765 Initial Health Evaluation for Employees
 330.770 Disaster Preparedness
 330.780 Serious Incidents and Accidents

SUBPART D: PERSONNEL

330.910 Personnel
 330.913 Nursing and Personal Care Assistants
 330.916 Student Interns
 330.920 Consultation Services
 330.930 Personnel Policies

SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

330.1110 Medical Care Policies
 330.1120 Personal Care
 330.1130 Communicable Disease Policies
 330.1135 Tuberculin Skin Test Procedures
 330.1140 Behavior Emergencies

SUBPART F: RESTORATIVE SERVICES

330.1310 Activity Program
 330.1320 Work Programs
 330.1330 Written Policies for Restorative Services

SUBPART G: MEDICATIONS

330.1510 Medication Policies
 330.1520 Administration of Medication
 330.1530 Labeling and Storage of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

330.1710 Resident Record Requirements
 330.1720 Content of Medical Records
 330.1730 Records Pertaining to Residents' Property
 330.1740 Retention and Transfer of Resident Records

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330.1750 Other Resident Record Requirements
 330.1760 Retention of Facility Records
 330.1770 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

330.1910 Director of Food Services
 330.1920 Dietary Staff in Addition to Director of Food Services
 330.1930 Hygiene of Dietary Staff
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 330.1950 Adequacy of Diet and Meal Pattern
 330.1960 Therapeutic Diets
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 330.1980 Menu Planning
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SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

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 330.2860 First Stage Drawings
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330.3000 Mechanical Drawings
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 330.3090 Bath and Toilet Rooms
 330.3100 Living, Dining, Activity Rooms
 330.3110 Bedrooms
 330.3120 Special Care Room
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 330.3140 Laundry
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SUBPART N: FIRE PROTECTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

330.3310 Applicable Requirements (Repealed)
 330.3320 Applicability of These Standards
 330.3330 Fire Protection
 330.3340 Fire Department Service and Water Supply
 330.3350 General Building Requirements
 330.3360 Exit Facilities and Subdivision of Floor Areas
 330.3370 Stairways, Vertical Openings, and Doorways
 330.3380 Corridors
 330.3390 Exit Lights and Directional Signs
 330.3400 Hazardous Areas and Combustible Storage
 330.3410 Fire Alarm and Detection System
 330.3420 Fire Extinguishers, Electric Wiring, and Miscellaneous
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SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING SHELTERED CARE FACILITIES

330.3610 Site
 330.3620 General Building Requirements
 330.3630 Administration
 330.3640 Corridors
 330.3650 Bath and Toilet Rooms
 330.3660 Living, Dining, and Activity Rooms
 330.3670 Bedrooms
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330.3700 Laundry Room
 330.3710 Housekeeping and Service Rooms and Storage Space
 330.3720 Plumbing and Heating
 330.3730 Electrical

SUBPART P: FIRE PROTECTION STANDARDS FOR EXISTING SHELTERED CARE FACILITIES

330.3910 Fire Protection
 330.3920 Fire Department Service and Water Supply
 330.3930 Occupancy and Fire Areas
 330.3940 Exit Facilities and Subdivision of Floor Areas
 330.3950 Stairways, Vertical Openings, and Doorways
 330.3960 Exit and Fire Escape Lights and Directional Signs
 330.3970 Hazardous Areas and Combustible Storage
 330.3980 Fire Alarm and Detection System
 330.3990 Fire Extinguishers, Electric Wiring, and Miscellaneous
 330.4000 Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART Q: RESIDENT'S RIGHTS

330.4210 General
 330.4220 Medical and Personal Care Program
 330.4230 Restraints
 330.4240 Abuse and Neglect
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 330.4280 Contract With Facility
 330.4290 Private Right of Action
 330.4300 Transfer or Discharge
 330.4310 Complaint Procedures
 330.4320 Confidentiality
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SUBPART R: DAY CARE PROGRAMS

330.4510 Day Care in Long-Term Care Facilities

APPENDIX A Interpretation, Components, and Illustrative Services for Sheltered Care Facilities
 APPENDIX B Classification of Distinct Part of a Facility For Different Levels of Service
 APPENDIX C Forms for Day Care in Long-Term Care Facilities
 APPENDIX D Criteria for Activity Directors Who Need Only Minimal Consultation

TABLE A Disaster Preparedness Parameters--Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (111).

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INSPECT THE CLINICAL AND OTHER RECORDS OF A RESIDENT WITH THE EXPRESS WRITTEN CONSENT OF THE RESIDENT;
OBSERVE ALL AREAS OF THE FACILITY EXCEPT THE LIVING AREA OF ANY RESIDENT WHO PROTESTS THE OBSERVATION. (Section 1-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-968, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988; Public Act 86-130, effective August 3, 1989; Sections 3 and 4 effective January 1, 1990; Public Act 86-486, effective January 1, 1990; and Public Act 86-1013, effective January 3, 1990).

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 330.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a level A or level B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

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Rev. Stat. 1987, ch. 111 1/2, pars. 4151-101 et seq., as amended by Public Act 85-1183, effective August 13, 1988; and P.A. 85-1378, effective September 1, 1988; P.A. 86-130, effective August 3, 1989, Sections 3 and 4 effective January 1, 1990; P.A. 86-486, effective January 1, 1990; and Public Act 86-1013, effective January 3, 1990).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. _____, effective _____.

NOTE: Italics and capitalization denote statutory language.

Section 330.330 Definitions

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

ABUSE - ANY PHYSICAL OR MENTAL INJURY OR SEXUAL ASSAULT INFLICTED ON A RESIDENT OTHER THAN BY ACCIDENTAL MEANS IN A FACILITY. (Section 1-103 of the Act)

ACCESS - THE RIGHT TO:

ENTER ANY FACILITY;

COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT WHO CONSENTS TO THE COMMUNICATION;

SEEK CONSENT TO COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT;

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AFFILIATE MEANS:

WITH RESPECT TO A PARTNERSHIP, EACH PARTNER THEREOF.

WITH RESPECT TO A CORPORATION, EACH OFFICER, DIRECTOR AND STOCKHOLDER THEREOF.

WITH RESPECT TO A NATURAL PERSON: ANY PERSON RELATED IN THE FIRST DEGREE OF KINSHIP TO THAT PERSON; EACH PARTNERSHIP AND EACH PARTNER THEREOF OF WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS A PARTNER; AND EACH CORPORATION IN WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS AN OFFICER, DIRECTOR OF STOCKHOLDER. (Section 1-106 of the Act)

Aide or Orderly - any person providing direct personal care, training or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

APPLICANT - ANY PERSON MAKING APPLICATION FOR A LICENSE. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

Autism - A syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; Mental illness observed in young children

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characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - a charge nurse is a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

Community Living Facility - see Facility, Community Living.

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's HHS guardian (or, if the resident is a minor, the resident's parent)

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and the facility or its agent.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse. Examples of physical abuse are restraining a resident, striking, slapping, hitting, or withholding food as punishment. Examples of mental abuse are swearing, threatening and seclusion.

Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 2301 et seq.).

Department - as used in these standards means the Illinois Department of Public Health.

Developmentally Disabled - those individuals whose disability is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other pathological conditions which generally originate before such individuals attain age 18, and which continue, or can be expected to continue, indefinitely, and which constitute a substantial functioning handicap to such individuals.

Developmental Disability - a severe, chronic disability of a person which:

is attributable to a mental or physical impairment or combination of mental and physical impairments;

is manifest before age 22;

is likely to continue indefinitely;

results in substantial functional limitations in three or more of the following areas of major life activities:

self-care;

receptive and expressive language;

learning;

mobility;

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self-direction;

capacity for independent living; and

economic self-sufficiency; and

reflects the persons' needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of life-long or extended duration and individually planned and coordinated.

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate of a Department-approved course that provides 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

has training and experience in food service supervision and management in a military service equivalent in content to the program in paragraph (2) or (3) of this definition.

Dietitian - a person who:

is eligible for registration by the American Dietetic Association; or

has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Supervision - means that work is performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

DIRECTOR - THE DIRECTOR OF PUBLIC HEALTH OR HIS DESIGNEE.

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direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when used in these standards is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled. Facilities with any number less than 50 percent of developmentally disabled residents, who are determined by the Department with consultation from the Division of Developmental Disabilities, Illinois Department of Mental Health and Developmental Disabilities, must comply with the program requirements in these training programs.

minimum Standards.

FACILITY OR LONG-TERM CARE FACILITY - A PRIVATE HOME, INSTITUTION, BUILDING, RESIDENCE, OR ANY OTHER PLACE, WHETHER OPERATED FOR PROFIT OR NOT, OR A COUNTY HOME ACT (111. Rev. Stat. 1987, ch. 53, par. 61 et seq.), AS NOW OR HEREFTER AMENDED, OR BY A COUNTY PURSUANT TO "AN ACT IN RELATION TO HOMES FOR THE AGED" (111. Rev. Stat. 1987, ch. 34, par. 3561 et seq.) AS NOW OR HEREFTER AMENDED, OR ANY SIMILAR INSTITUTION OPERATED BY A POLITICAL SUBDIVISION OF THE STATE OF ILLINOIS, WHICH PROVIDES, THROUGH ITS OWNERSHIP OR MANAGEMENT, PERSONAL CARE, SHELTERED CARE OR NURSING FOR THREE OR MORE PERSONS, NOT RELATED TO THE APPLICANT OR OWNER BY BLOOD OR MARRIAGE. IT INCLUDES SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES AS THOSE TERMS ARE DEFINED IN TITLE XVIII AND TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT (42-U.S.C.A. 1395 et seq. and 1936 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "FACILITY" DOES NOT INCLUDE THE FOLLOWING:

A HOME, INSTITUTION, OR OTHER PLACE OPERATED BY THE FEDERAL GOVERNMENT OR AGENCY THEREOF, OR BY THE STATE OF ILLINOIS;

A HOSPITAL, SANITARIUM, OR OTHER INSTITUTION WHOSE PRINCIPAL ACTIVITY OR BUSINESS IS THE DIAGNOSIS, CARE, AND TREATMENT OF HUMAN ILLNESS THROUGH THE MAINTENANCE AND OPERATION AS ORGANIZED FACILITIES THEREFOR, WHICH IS REQUIRED TO BE LICENSED UNDER THE HOSPITAL LICENSING ACT (111. Rev. Stat. 1987, ch. 111 1/2, par. 142 et seq.) AS NOW OR HEREFTER AMENDED; OR

ANY "FACILITY FOR CHILD CARE" AS DEFINED IN THE CHILD CARE ACT OF 1969 (111. Rev. Stat. 1987, ch. 23, par. 2211 et seq.) AS NOW OR HEREFTER AMENDED; OR

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(Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

DISCHARGE - THE FULL RELEASE OF ANY RESIDENT FROM A FACILITY. (Section 1-111 of the Act)

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility.

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Equivalent of a Graduate Licensed Practical Nurse - a licensed practical nurse, licensed by waiver who successfully passes the proficiency examination approved by the U.S. Department of Health and Human Services shall be considered the equivalent of a licensed practical nurse who is a graduate of an approved school of practical nursing for the purposes of these standards.

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Community Living - a place of residence as limited in these standards for between five and 80 ambulatory adults who are mildly or moderately mentally retarded with a potential for being absorbed into the mainstream of community life.

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical

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ANY NURSING HOME OR SANATORIUM OPERATED SOLELY BY AND FOR PERSONS WHO RELY EXCLUSIVELY UPON TREATMENT BY SPIRITUAL MEANS THROUGH PRAYER, IN ACCORDANCE WITH THE CREED OR TENETS OF ANY WELL-ORGANIZED CHURCH OR RELIGIOUS DENOMINATION. HOWEVER, SUCH NURSING HOME OR SANATORIUM SHALL COMPLY WITH ALL LOCAL LAWS AND RULES RELATING TO SANITATION AND SAFETY. (Section 1-113 of the Act)

Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two month period of time.

Full-time - means on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

GUARDIAN - A PERSON APPOINTED AS A GUARDIAN OF THE PERSON OR GUARDIAN OF THE ESTATE, OR BOTH, OF A RESIDENT UNDER THE "PROBATE ACT OF 1975" (111. Rev. Stat. 1987, ch. 110 1/2, par. 1-1 et seq.) AS NOW OR HEREFTER AMENDED. (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the

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full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not for profit corporation incorporated under, or qualified as a foreign corporation under, the General Not For Profit Corporation Act of 1986, as heretofore or hereafter amended (111. Rev. Stat. 1987, ch. 32, par. 101.01 et seq.); or, by a county pursuant to "AN ACT in relation to homes for the aged", as heretofore or hereafter amended (111. Rev. Stat. 1987, ch. 34, par. 3561 et seq.); or, pursuant to a trust or endowment established for nonprofit, charitable purposes, and which provides maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are 60 or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

House Manager - a qualified person on duty 40 hours a week managing the Community Living Facility and responsible for its operation and its inhabitants.

Individual Educational Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Institutional Occupancy - when used in this Part means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of the Life Safety Code, National Fire Protection Association (1967 Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for the Developmentally Disabled (ICF/DD's) at least one member of the team shall be a Qualified Mental Retardation Professional.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act,

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as now or hereafter amended (Ill. Rev. Stat. 1987, ch. 111, par. 3651 et seq.).

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

LICENSEE - THE PERSON OR ENTITY LICENSED TO OPERATE THE FACILITY AS PROVIDED UNDER THE ACT. (Section 1-115 of the Act)

Life-Care contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

MAINTENANCE - FOOD, SHELTER, AND LAUNDRY SERVICES. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Mobile Resident - any resident who is able to move about either independently or with the aid of assistive devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Monitor - a qualified person placed in a facility by the Department

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to observe operations of the facility, assist the facility by advising it on how to comply with the state regulations, and who reports periodically to the Department on the operations of the facility.

NEGLECT - A FAILURE IN A FACILITY TO PROVIDE ADEQUATE MEDICAL OR PERSONAL CARE OR MAINTENANCE, WHICH FAILURE RESULTS IN PHYSICAL OR MENTAL INJURY TO A RESIDENT OR IN THE DETERIORATION OF A RESIDENT'S PHYSICAL OR MENTAL CONDITION. (Section 1-117 of the Act)

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

NURSE - A REGISTERED NURSE OR A LICENSED PRACTICAL NURSE AS DEFINED IN THE ILLINOIS NURSING ACT OF 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 3501 et seq.) AS NOW OR HEREAFTER AMENDED. (Section 1-118 of the Act)

Nursing Assistant - Any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable distinct part of a facility consisting of all the beds within the distinct part, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

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Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered with the Department of Professional Regulation as an occupational therapist under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 3701 et seq.).

Occupational Therapy Assistant - a person who is registered with the Department of Professional Regulation as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 3701 et seq.).

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Oversight - general watchfulness and appropriate action to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

OWNER - THE INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER PERSON WHO OWNS A FACILITY. IN THE EVENT A FACILITY IS OPERATED BY A PERSON WHO LEASES THE PHYSICAL PLANT, WHICH IS OWNED BY ANOTHER PERSON, "OWNER" MEANS THE PERSON WHO OPERATES THE FACILITY, EXCEPT THAT IF THE PERSON WHO OWNS THE PHYSICAL PLANT IS AN AFFILIATE OF THE PERSON WHO OPERATES THE FACILITY AND HAS SIGNIFICANT CONTROL OVER THE DAY-TO-DAY OPERATIONS OF THE FACILITY, THE PERSON WHO OWNS THE PHYSICAL PLANT SHALL INCUR JOINTLY AND SEVERALLY WITH THE OWNER ALL LIABILITIES IMPOSED ON AN OWNER UNDER THE ACT. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

PERSONAL CARE - ASSISTANCE WITH MEALS, DRESSING, MOVEMENT, BATHING, OR OTHER PERSONAL NEEDS, OR GENERAL SUPERVISION AND OVERSIGHT OF PHYSICAL AND MENTAL WELL-BEING OF AN INDIVIDUAL, EXCLUSIVE OF NURSING, WHO BECAUSE OF AGE, PHYSICAL OR MENTAL DISABILITY, EMOTIONAL OR BEHAVIOR DISORDER, OR MENTAL RETARDATION IS INCAPABLE OF MAINTAINING A PRIVATE, INDEPENDENT RESIDENCE, OR WHO IS INCAPABLE OF MANAGING HIS PERSON WHETHER OR NOT A GUARDIAN HAS BEEN APPOINTED. (Section 1-120 of the Act)

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Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4121 et seq.).

Physical Therapy Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered with the Department of Professional Regulation as a physical therapist under the Illinois Physical Therapy Act (Ill. Rev. Stat. 1987, ch. 111, par. 4251 et seq.).

Physician - any person licensed by the State of Illinois to practice medicine in all its branches as provided in the Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4400-1 et seq.).

Probationary License - an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

Program Coordinator - a qualified person directly responsible for the overall program, operation and management of a Community Living Facility.

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed by the Illinois Department of Professional Regulation to practice clinical psychology under the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1987, ch. 111, par. 5351 et seq.).

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a

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recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified by the State of Illinois, if required.

REASONABLE VISITING HOURS - ANY TIME BETWEEN THE HOURS OF 10 A.M. AND 8 P.M. DAILY. (Section 1-121 of the Act)

Registered Nurse - a person with a valid Illinois license from the Illinois Department of Professional Regulation to practice as a registered professional nurse under the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 3501 et seq.).

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

RESIDENT - PERSON RESIDING IN AND RECEIVING PERSONAL CARE FROM A FACILITY. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

RESIDENT'S REPRESENTATIVE - A PERSON OTHER THAN THE OWNER, OR AN AGENT OR EMPLOYEE OF A FACILITY NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR REPRESENTATIVE FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

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Restraint of a Resident - the application of a device to limit movements.

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Safety Device - any equipment or protective device used on a bed, chair, or resident which prevents him from falling or otherwise injuring himself. Examples are: bedside rails, geriatric or adaptive chairs, a wide band, vest or sheet applied to prevent falling out of a bed or chair, and hand socks applied to prevent injuring one's self.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident in a room which the resident cannot open.

Self Preservation - the ability to follow directions and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

SHELTERED CARE - MAINTENANCE AND PERSONAL CARE. (Section 1-124 of the Act)

Social Worker, Qualified - a person who:

is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 6351 et seq., as amended by Public Act 85-1131, effective July 21, 1988); and

is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Master's Degree programs); and

has one year of social work experience in a health care setting.

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms

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of microbial life, including viruses.

STOCKHOLDER OF A CORPORATION - ANY PERSON WHO, DIRECTLY OR INDIRECTLY, BENEFICIALLY OWNS, HOLDS OR HAS THE POWER TO VOTE, AT LEAST FIVE PERCENT OF ANY CLASS OF SECURITIES ISSUED BY THE CORPORATION. (Section 1-125 of the Act)

Story - when used in this Part means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

STUDENT INTERN - MEANS ANY PERSON WHOSE TOTAL TERM OF EMPLOYMENT IN ANY FACILITY DURING ANY 12-MONTH PERIOD IS EQUAL TO OR LESS THAN 90 CONTINUOUS DAYS, AND WHOSE TERM OF EMPLOYMENT IS EITHER:

AN ACADEMIC CREDIT REQUIREMENT IN A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, OR

IMMEDIATELY SUCCEEDS A FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, PROVIDED THAT SUCH PERSON IS REGISTERED FOR ANOTHER FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION WHICH QUARTER, SEMESTER OR TRIMESTER WILL COMMENCE IMMEDIATELY FOLLOWING THE TERM OF EMPLOYMENT. (Section 1-125.1 of the Act)

Substantial - meeting requirements except for variance from the strict and literal performance which result in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 330.280(q)(8), 330.280(k)(2) and 330.280(k)(4).

Substantial failure - the failure to meet requirements other than a variance from the strict and literal performance which result in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 330.180(b)(1) and 330.260(f).

Sufficient - Same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in regulations, the supervisor must be on the premises if the person does not meet assistant level (two year

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training program) qualifications specified in these definitions.

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

TITLE XVIII - TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREAFTER AMENDED (42 U.S.C. 1395 et seq.). (Section 1-126 of the Act)

TITLE XIX - TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREAFTER AMENDED (42 U.S.C. 1395 et seq.). (Section 1-127 of the Act)

TRANSFER - A CHANGE IN STATUS OF A RESIDENT'S LIVING ARRANGEMENTS FROM ONE FACILITY TO ANOTHER FACILITY. (Section 1-128 of the Act)

TYPE A VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY PRESENTING A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR PHYSICAL HARM TO A RESIDENT WILL RESULT THEREFROM. (Section 1-129 of the Act)

TYPE B VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY DIRECTLY THREATENING TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT. (Section 1-130 of the Act)

Unit - an entire physically identifiable residence area, in Community Living Facilities consisting of not less than five nor more than 20 beds, and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective regulations governing the approved levels of service.

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

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Section 330.913 Nursing and Personal Care Assistants

- a) Each of the facility's nursing and personal care assistants shall comply with one of the following conditions no later than 45 days after the date of initial employment.
- 1) Provide documentation of registration on the Department's Nurse Aide Registry as of July 1, 1990, or later.
 - 2) Enroll in a Basic Nursing Assistant Training Program which has been approved by the Department under its rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395) and pass the Department approved nursing assistant competency examination. The program coursework shall be successfully completed and the competency examination passed by the nursing and personal care assistant no later than 120 days after the date of initial employment, unless the training program is conducted by a community college or other educational institution on a term, semester, or trimester basis.
 - 3) Provide documentation from another state of certification as a nursing assistant on or after January 1, 1990.
 - 4) Provide documentation of successful completion of a nursing arts course in an accredited nurse training program as evidenced by a diploma, certificate or other written verification from the school and successful completion of the Department approved nursing assistant competency examination.
 - 5) Register for the Department's nursing assistant proficiency examination which must be successfully completed no later than 120 days after the date of initial employment.
 - 6) Provide documentation no later than July 1, 1990, of employment as a nursing and personal care assistant in a sheltered care facility prior to and including March 1, 1990. If such a nursing and personal care assistant subsequently becomes employed by an intermediate or skilled nursing facility, he or she will be required to comply with the requirements of the Department's rules at 77 Ill. Adm. Code 300.660(a)(2), 77 Ill. Adm. Code 350.680(a)(2), or 77 Ill. Adm. Code 390.680(a)(2).
- b) Each person employed by the facility as a nursing and personal care assistant shall meet each of the following requirements:
- 1) BE AT LEAST 16 YEARS OF AGE, OF TEMPERATE HABITS AND GOOD MORAL CHARACTER, HONEST, RELIABLE, AND TRUSTWORTHY. (Section

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3-206(a)(1) of the Act)

- 2) BE ABLE TO SPEAK AND UNDERSTAND THE ENGLISH LANGUAGE OR A LANGUAGE UNDERSTOOD BY A SUBSTANTIAL PERCENTAGE OF THE FACILITY'S RESIDENTS. (Section 3-206(a)(2) of the Act)
 - 3) PROVIDE EVIDENCE OF EMPLOYMENT OR OCCUPATION, IF ANY, AND RESIDENCE FOR TWO YEARS PRIOR TO INITIAL EMPLOYMENT AS A NURSING ASSISTANT. (Section 3-206(a)(3) of the Act)
 - 4) HAVE COMPLETED AT LEAST EIGHT YEARS OF GRADE SCHOOL OR PROVIDE PROOF OF EQUIVALENT KNOWLEDGE. (Section 3-206(a)(4) of the Act)
- c) THE FACILITY SHALL CERTIFY THAT EACH NURSING AND PERSONAL CARE ASSISTANT EMPLOYED BY THE FACILITY MEETS THE REQUIREMENTS OF this Section. Such certification shall be retained by the facility as part of the employee's personnel record. (Section 3-206(d) and (e) of the Act)
- d) During inspections of the facility, the Department will REQUIRE NURSING AND PERSONAL CARE ASSISTANTS TO DEMONSTRATE COMPETENCY IN THE PRINCIPLES, TECHNIQUES, AND PROCEDURES covered by the basic nursing assistant training program curriculum described in the rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395), when possible problems in the care provided by nursing and personal care assistants or other evidences of inadequate training are observed. Failure to demonstrate competency of the principles, techniques and procedures SHALL RESULT IN THE PROVISION OF IN-SERVICE TRAINING TO THE INDIVIDUAL BY THE FACILITY. The in-service training shall address all of the basic nursing assistant training principles, techniques, and procedures contained in the rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395). (Section 3-206(a)(5) of the Act)
- e) A facility which conducts a training program for nursing and personal care assistants shall comply with the applicable provisions of the Department's rules governing training programs for nursing assistants and aides (77 Ill. Adm. Code 395.200).
- (Source: Amended at 14 Ill. Reg. _____, effective _____)
- SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS
- Section 330.1110 Medical Care Policies
- a) The facility shall have a written program of medical services approved in writing by the advisory physician that reflects the philosophy of care provided, the policies relating to this and the

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procedures for implementation of the services. The program shall include the entire complex of services provided by the facility and the arrangements to effect transfer to other facilities as promptly as needed. The written program of medical services shall be followed in the operation of the facility. (B)

b) The services of a physician licensed to practice medicine in Illinois shall be available to every resident of the facility. ~~Residents in facilities operated under bona-fide Christian-Science auspices may be exempt from this requirement.~~ (A, B)

c) All residents, or their guardians, shall be permitted their choice of a physician.

d) All residents shall be seen by their physician as often as necessary to assure adequate health care. (A, B)

e) Each resident admitted shall have a complete physical examination, within five days prior to admission, or within 72 hours after admission to the facility. This examination shall include documentation of the presence or the absence of tuberculosis infection by tuberculin skin test in accordance with Section 330.1135 and an evaluation of the resident's condition and recommendations for his care including personal care needs and permission for participation in the activity program. (See Section 330.1310(c).) (B)

f) The facility shall notify the physician of any accident, injury, or unusual change in a resident's condition. (A, B)

g) At the time of an accident, immediate treatment shall be provided by personnel trained in medically approved first aid procedures. (A, B)

(Source: Amended at 14 Ill. Reg. ____, effective ____)

Section 330.4220 Medical and Personal Care Program

a) A RESIDENT SHALL BE PERMITTED TO RETAIN THE SERVICES OF HIS OWN PERSONAL PHYSICIAN AT HIS OWN EXPENSE UNDER AN INDIVIDUAL OR GROUP PLAN OF HEALTH INSURANCE, OR UNDER ANY PUBLIC OR PRIVATE ASSISTANCE PROGRAM PROVIDING SUCH COVERAGE. (Section 2-104(a) of the Act) (B)

b) THE DEPARTMENT SHALL NOT PRESCRIBE THE COURSE OF MEDICAL TREATMENT PROVIDED TO AN INDIVIDUAL RESIDENT BY THE RESIDENT'S PHYSICIAN IN A FACILITY. (Section 2-104(a) of the Act)

c) EVERY RESIDENT SHALL BE PERMITTED TO OBTAIN FROM HIS OWN PHYSICIAN OR THE PHYSICIAN ATTACHED TO THE FACILITY COMPLETE AND CURRENT

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INFORMATION CONCERNING HIS MEDICAL DIAGNOSIS, TREATMENT AND PROGNOSIS IN TERMS AND LANGUAGE THE RESIDENT CAN REASONABLY BE EXPECTED TO UNDERSTAND. (Section 2-104(a) of the Act)

d) ALL RESIDENTS SHALL BE PERMITTED TO PARTICIPATE IN THE PLANNING OF THEIR TOTAL CARE AND MEDICAL TREATMENT TO THE EXTENT THAT THEIR CONDITION PERMITS. (Section 2-104(a) of the Act)

e) NO RESIDENT SHALL BE SUBJECTED TO EXPERIMENTAL RESEARCH OR TREATMENT WITHOUT FIRST OBTAINING HIS INFORMED, WRITTEN CONSENT. THE CONDUCT OF ANY EXPERIMENTAL RESEARCH OR TREATMENT SHALL BE AUTHORIZED AND MONITORED BY AN INSTITUTIONAL REVIEW COMMITTEE APPOINTED BY THE ADMINISTRATOR OF THE FACILITY WHERE SUCH RESEARCH AND TREATMENT IS CONDUCTED. (Section 2-104(a) of the Act) (A, B)

f) ALL MEDICAL TREATMENT AND PROCEDURES SHALL BE ADMINISTERED AS ORDERED BY A PHYSICIAN. ~~ALL NEW PHYSICIAN ORDERS SHALL BE REVIEWED BY THE FACILITY'S DIRECTOR OF NURSING OR CHARGE NURSE DESIGNED WITHIN 24 HOURS AFTER SUCH ORDERS HAVE BEEN ISSUED TO ASSURE FACILITY COMPLIANCE WITH SUCH ORDERS. EVERY WOMAN RESIDENT OF CHILD-BEARING AGE SHALL RECEIVE ROUTINE OBSTETRICAL AND GYNECOLOGICAL EVALUATIONS AS WELL AS NECESSARY PRENATAL CARE.~~ (Section 2-104(b) of the Act)

1) "Routine obstetrical evaluations" shall include, as a minimum, the following:

A) A comprehensive health history, including menstrual history, methods of family planning that the patient has used, a detailed record of past pregnancies, data on the current pregnancy that allow the physician to estimate the date of delivery;

B) Identification of factors in the current pregnancy that help to identify the patient at high risk, such as maternal age, vaginal bleeding, edema, urinary infection, exposure to radiation and chemicals, ingestion of drugs and alcohol, and use of tobacco;

C) A comprehensive physical examination, including an evaluation of nutritional status; determination of height, weight and blood pressure; examination of the head, breasts, heart, lungs, abdomen, pelvis, rectum, and extremities.

D) The following laboratory tests, as early in pregnancy as possible. Findings obtained from the history and physical examination may determine the need for additional laboratory evaluations.

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- i) Hemoglobin or hematocrit measurement
- ii) Urinalysis, including microscopic examination or culture
- iii) Blood group and Rh type determination
- iv) Antibody screen
- v) Rubella antibody titer measurement
- vi) Syphilis screen
- vii) Cervical cytology

E) A risk assessment, which, based on the findings of the history and physical examination, should indicate any risk factors that may require special management, such as cardiovascular disease, maternal age less than 15 years or more than 35 years, neurologic disorder, or congenital abnormalities.

2) "Necessary prenatal care" shall include, as a minimum, the following:

- A) Return visits, the frequency of which will be determined by the patient's needs and risk factors. Generally a woman with an uncomplicated pregnancy should be seen every 4 weeks for the first 28 weeks of pregnancy, every 2-3 weeks until 36 weeks of gestation, and weekly thereafter.
- B) The physical examination at each visit should include determinations of blood pressure, measured fundal height, fetal heart rate, and, in later months, fetal presentation, urinalysis for albumin and glucose. Hemoglobin or hematocrit level should be measured again early in the third trimester. Glucose screening is recommended for women who are 30 years of age or older.
- C) Evaluation and monitoring of nutritional status and habits.
- D) Education for health promotion and maintenance.
- E) Counseling concerning exercise and childbirth education programs.
- F) Postpartum review and evaluation 4-8 weeks after delivery, including determination of weight, and blood pressure and assessment of status of breasts, abdomen, and external and internal genitalia.

3) "Routine gynecological evaluations" shall include, as a minimum, the following:

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A) An initial examination, the basic components of which are:

- i) History; any present illnesses; menstrual, reproductive, medical, surgical, emotional, social, family, and sexual history; medications; allergies; family planning; and systems review.
- ii) Physical examination, including height, weight, nutritional status, and blood pressure; head and neck, including thyroid gland; heart; lungs; breasts; abdomen; pelvis, including external and internal genitalia; rectum; extremities, including signs of abuse; lymph nodes.
- iii) Laboratory tests, including urine screen; hemoglobin or hematocrit determination and, if indicated, complete blood cell count; cervical cytology; rubella titer.

B) Annual updates:

- i) History, including the purpose of the visit; menstrual history; interval history, including systems review; emotional history;
 - ii) Physical examination, including weight, nutritional status and blood pressure; thyroid gland; breasts; abdomen; pelvis, including external and internal genitalia; rectum; other areas as indicated by the interval history.
 - iii) Laboratory, including urine screen; cervical cytology, unless not indicated; hemoglobin or hematocrit determinations.
 - iv) Additional laboratory tests, such as screening for sexually transmitted disease, should be performed as warranted by the history, physical findings, and risk factors.
- D) Cancer screening.
- i) An annual Pap test for all women who are or have been sexually active or have reached age 18.
 - ii) Mammography if indicated.

gf) EVERY RESIDENT SHALL BE PERMITTED TO REFUSE MEDICAL TREATMENT AND TO

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KNOW THE CONSEQUENCES OF SUCH ACTION, UNLESS SUCH REFUSAL WOULD BE HARMFUL TO THE HEALTH AND SAFETY OF OTHERS AND SUCH HARM IS DOCUMENTED BY A PHYSICIAN IN THE RESIDENT'S CLINICAL RECORD. (Section 2-104(b) of the Act) (B)

hg) Inspection and Copying of Records

- 1) EVERY RESIDENT, RESIDENT'S GUARDIAN, OR PARENT IF THE RESIDENT IS A MINOR SHALL BE PERMITTED TO INSPECT AND COPY ALL THE RESIDENT'S CLINICAL AND OTHER RECORDS CONCERNING THE RESIDENT'S CARE AND MAINTENANCE KEPT BY THE FACILITY OR BY THE RESIDENT'S PHYSICIAN. (Section 2-104(b) of the Act)
- 2) EVERY RESIDENT'S REPRESENTATIVE SHALL BE PERMITTED TO INSPECT AND COPY THE RESIDENT'S RECORDS. A "RESIDENT'S REPRESENTATIVE" IS A PERSON, OTHER THAN THE OWNER OR AGENT OR EMPLOYEE OF A FACILITY WHO IS NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Sections 1-123 and 2-202(h) of the Act)

- th) A RESIDENT SHALL BE PERMITTED RESPECT AND PRIVACY IN HIS MEDICAL AND PERSONAL CARE PROGRAM. EVERY RESIDENT'S CASE DISCUSSION, CONSULTATION, EXAMINATION AND TREATMENT SHALL BE CONFIDENTIAL AND SHALL BE CONDUCTED DISCREETLY, AND THOSE PERSONS NOT DIRECTLY INVOLVED IN THE RESIDENT'S CARE MUST HAVE HIS PERMISSION TO BE PRESENT. (Section 2-105 of the Act) (B)

(Source: Amended at 14 Ill. Reg. ____, effective ____)

Section 330.4240 Abuse and Neglect

- a) AN OWNER, LICENSEE, ADMINISTRATOR, EMPLOYEE OR AGENT OF A FACILITY SHALL NOT ABUSE OR NEGLECT A RESIDENT. (Section 2-107 of the Act) (A, B)
- b) A FACILITY EMPLOYEE OR AGENT WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL IMMEDIATELY REPORT THE MATTER TO THE FACILITY ADMINISTRATOR. (Section 3-610 of the Act)
- c) A FACILITY ADMINISTRATOR WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL IMMEDIATELY REPORT THE MATTER BY TELEPHONE AND IN WRITING TO THE RESIDENT'S REPRESENTATIVE. (Section 3-610 of the Act)
- d) A FACILITY ADMINISTRATOR, EMPLOYEE, OR AGENT WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL ALSO REPORT THE MATTER TO THE DEPARTMENT. (Section 3-610 of the Act)

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- e) EMPLOYEE AS PERPETRATOR OF ABUSE. WHEN AN INVESTIGATION OF A REPORT OF SUSPECTED ABUSE OF A RESIDENT INDICATES, BASED UPON CREDIBLE EVIDENCE, THAT AN EMPLOYEE OF A LONG-TERM CARE FACILITY IS THE PERPETRATOR OF THE ABUSE, THAT EMPLOYEE SHALL IMMEDIATELY BE BARRED FROM ANY FURTHER CONTACT WITH RESIDENTS OF THE FACILITY, PENDING THE OUTCOME OF ANY FURTHER INVESTIGATION, PROSECUTION OR DISCIPLINARY ACTION AGAINST THE EMPLOYEE. (Section 3-611 of the Act)

- f) RESIDENT AS PERPETRATOR OF ABUSE. WHEN AN INVESTIGATION OF A REPORT OF SUSPECTED ABUSE OF A RESIDENT INDICATES, BASED UPON CREDIBLE EVIDENCE, THAT ANOTHER RESIDENT OF THE LONG-TERM CARE FACILITY IS THE PERPETRATOR OF THE ABUSE, THAT RESIDENT'S CONDITION SHALL BE IMMEDIATELY EVALUATED TO DETERMINE THE MOST SUITABLE THERAPY AND PLACEMENT FOR THE RESIDENT, CONSIDERING THE SAFETY OF THAT RESIDENT AS WELL AS THE SAFETY OF OTHER RESIDENTS AND EMPLOYEES OF THE FACILITY. (Section 3-612 of the Act)

(Source: Amended at 14 Ill. Reg. ____, effective ____)

Section 330.4260 Resident's Funds

- a) A RESIDENT SHALL BE PERMITTED TO MANAGE HIS OWN FINANCIAL AFFAIRS UNLESS HE OR HIS GUARDIAN OR IF THE RESIDENT IS A MINOR, HIS PARENT, AUTHORIZES THE ADMINISTRATOR OF THE FACILITY IN WRITING TO MANAGE SUCH RESIDENT'S FINANCIAL AFFAIRS UNDER SUBSECTIONS (b) THROUGH (d) OF THIS SECTION. (Section 2-102 of the Act)
- b) THE FACILITY SHALL AT THE TIME OF ADMISSION, PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN STATEMENT EXPLAINING THE RESIDENT'S RIGHTS REGARDING PERSONAL FUNDS AND LISTING THE SERVICES FOR WHICH THE RESIDENT WILL BE CHARGED, AND OBTAIN A SIGNED ACKNOWLEDGEMENT FROM EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, THAT SUCH PERSON HAS RECEIVED THE STATEMENT. (Section 2-201(1) of the Act)
- c) THE FACILITY MAY ACCEPT FUNDS FROM A RESIDENT FOR SAFEKEEPING AND MANAGING, IF IT RECEIVES WRITTEN AUTHORIZATION FROM, IN ORDER OF PRIORITY, THE RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY; SUCH AUTHORIZATION SHALL BE ATTESTED TO BY A WITNESS WHO HAS NO PECUNIARY INTEREST IN THE FACILITY OR ITS OPERATIONS, AND WHO IS NOT CONNECTED IN ANY WAY TO FACILITY PERSONNEL OR THE ADMINISTRATOR IN ANY MANNER WHATSOEVER. (Section 2-201(2) of the Act)
- d) THE FACILITY SHALL MAINTAIN AND ALLOW, IN ORDER OF PRIORITY, EACH

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RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, ACCESS TO A WRITTEN RECORD OF ALL FINANCIAL ARRANGEMENTS AND TRANSACTIONS INVOLVING THE INDIVIDUAL RESIDENT'S FUNDS. (Section 2-201(3) of the Act)

e) THE FACILITY SHALL PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN ITEMIZED STATEMENT AT LEAST QUARTERLY, OF ALL FINANCIAL TRANSACTIONS INVOLVING THE RESIDENT'S FUNDS. (Section 2-201(4) of the Act)

f) THE FACILITY SHALL PURCHASE A SURETY BOND TO GUARANTEE THE SECURITY OF RESIDENT'S FUNDS. (Section 2-201(5) of the Act)

g) THE FACILITY SHALL KEEP ANY FUNDS RECEIVED FROM A RESIDENT FOR SAFEKEEPING IN AN ACCOUNT SEPARATE FROM THE FACILITY'S FUNDS, AND SHALL AT NO TIME WITHDRAW ANY PART OR ALL OF SUCH FUNDS FOR ANY PURPOSE OTHER THAN TO RETURN THE FUNDS TO THE RESIDENT UPON THE REQUEST OF THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE SUCH REQUEST, TO PAY THE RESIDENT HIS ALLOWANCE, OR TO MAKE ANY OTHER PAYMENT AUTHORIZED BY THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE SUCH AUTHORIZATION. (Section 2-201(6) of the Act)

h) THE FACILITY SHALL DEPOSIT ANY FUNDS RECEIVED FROM A RESIDENT IN EXCESS OF \$100 IN AN INTEREST BEARING ACCOUNT INSURED BY AGENCIES OF OR CORPORATIONS CHARTERED BY, THE STATE OR FEDERAL GOVERNMENT. THE ACCOUNT SHALL BE IN A FORM WHICH CLEARLY INDICATES THAT THE FACILITY HAS ONLY A FIDUCIARY INTEREST IN THE FUNDS AND ANY INTEREST FROM THE ACCOUNT SHALL ACCRUE TO THE RESIDENT. (Section 2-201(7) of the Act)

i) THE FACILITY MAY KEEP UP TO \$100 OF A RESIDENT'S MONEY IN A NON-INTEREST BEARING ACCOUNT OR PETTY CASH FUND, TO BE READILY AVAILABLE FOR THE RESIDENT'S CURRENT EXPENDITURES. (Section 2-201(7) of the Act)

j) THE FACILITY SHALL RETURN TO THE RESIDENT, OR THE PERSON WHO EXECUTED THE WRITTEN AUTHORIZATION REQUIRED IN SUBSECTION (c) OF THIS SECTION, UPON WRITTEN REQUEST, ALL OR ANY PART OF THE RESIDENT'S FUNDS GIVEN THE FACILITY FOR SAFEKEEPING, INCLUDING THE INTEREST ACCRUED FROM DEPOSITS. (Section 2-201(8) of the Act)

k) THE FACILITY SHALL PLACE ANY MONTHLY ALLOWANCE TO WHICH A RESIDENT IS ENTITLED IN THAT RESIDENT'S PERSONAL ACCOUNT, OR GIVE IT TO THE RESIDENT, UNLESS THE FACILITY HAS WRITTEN AUTHORIZATION FROM THE RESIDENT OR THE RESIDENT'S GUARDIAN, OR IF THE RESIDENT IS A MINOR, HIS PARENT, TO HANDLE IT DIFFERENTLY. (Section 2-201(9) of the Act)

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1) UNLESS OTHERWISE PROVIDED BY STATE LAW, THE FACILITY SHALL UPON THE DEATH OF A RESIDENT PROVIDE THE EXECUTOR OR ADMINISTRATOR OF THE RESIDENT'S ESTATE WITH A COMPLETE ACCOUNTING OF ALL THE RESIDENT'S PERSONAL PROPERTY, INCLUDING ANY FUNDS OF THE RESIDENT BEING HELD BY THE FACILITY. (Section 2-201(10) of the Act)

m) IF AN ADULT RESIDENT IS INCAPABLE OF MANAGING HIS FUNDS AND DOES NOT HAVE A RESIDENT'S REPRESENTATIVE, GUARDIAN, OR AN IMMEDIATE FAMILY MEMBER THE FACILITY SHALL NOTIFY THE OFFICE OF THE STATE GUARDIAN OF THE GUARDIANSHIP AND ADVOCACY COMMISSION. (Section 2-201(11) of the Act)

n) IF THE FACILITY IS SOLD, THE SELLER SHALL PROVIDE THE BUYER WITH A WRITTEN VERIFICATION BY A PUBLIC ACCOUNTANT OF ALL RESIDENTS' MONIES AND PROPERTIES BEING TRANSFERRED, AND OBTAIN A SIGNED RECEIPT FROM THE NEW OWNER. (Section 2-201(12) of the Act)

o) THE FACILITY SHALL TAKE ALL STEPS NECESSARY TO ENSURE THAT A PERSONAL NEEDS ALLOWANCE THAT IS PLACED IN A RESIDENT'S PERSONAL ACCOUNT IS USED EXCLUSIVELY BY THE RESIDENT OR FOR THE BENEFIT OF THE RESIDENT. WHERE SUCH FUNDS ARE WITHDRAWN FROM THE RESIDENT'S PERSONAL ACCOUNT BY ANY PERSON OTHER THAN THE RESIDENT, THE FACILITY SHALL REQUIRE SUCH PERSON TO WHOM FUNDS CONSTITUTE ANY PART OF A RESIDENT'S PERSONAL NEEDS ALLOWANCE ARE RELEASED TO EXECUTE AN AFFIDAVIT THAT SUCH FUNDS SHALL BE USED EXCLUSIVELY FOR THE BENEFIT OF THE RESIDENT. (Section 2-201(9)(b) of the Act). "Personal needs allowance," for the purposes of this subsection, refers to the monthly allowance allotted by the Illinois Department of Public Aid to public aid recipients.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

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1) Heading of the Part:

Skilled Nursing and Intermediate Care Facilities Code

2) Code Citation:

77 Ill. Adm. Code 300

3) Section Numbers:

300.330 Amendments
 300.1010 Amendments
 300.3220 Amendments
 300.3240 Amendments
 300.3260 Amendments

Proposed Action:4) Statutory Authority:

The Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 4151-101 et seq., as amended by Public Act 85-1183, effective August 13, 1988; Public Act 85-1378, effective September 1, 1988; Public Act 86-130, effective August 3, 1989, Sections 3 and 4 effective January 1, 1990; Public Act 86-486, effective January 1, 1990; and Public Act 86-1013, effective January 3, 1990).

5) A Complete Description of the Subjects and Issues Involved:

These amendments are being proposed by the Department of Public Health to implement legislation passed by the 86th General Assembly amending the Nursing Home Care Act. Related amendments to the rules governing the licensure of sheltered care facilities (77 Ill. Adm. Code 330), intermediate care facilities for persons with developmental disabilities (77 Ill. Adm. Code 350), and long-term care facilities for persons under age 22 (77 Ill. Adm. Code 390) are also being proposed.

Definition of facility: The Department is proposing to amend the definition of "Facility" in Section 300.330 to implement Public Act 86-130, which amends the Nursing Home Care Act to exempt from the definition of "Facility" any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination.

Christian Science facilities: In Section 300.1110, the Department is deleting a provision stating that residents in facilities operated under bona fide Christian Science auspices may be exempt from the requirement that the services of an Illinois Licensed Physician be available to every resident of a facility. Pursuant to Public Act 86-130, such facilities are no longer required to be licensed.

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Medical treatment and procedures: Section 300.3220 is being amended in accordance with an amendment to Section 2-104(b) of the Nursing Home Care Act that requires all medical treatment and procedures to be administered as ordered by a physician. All new physician orders are to be reviewed by the facility's director of nursing or charge nurse designee within 24 hours after issuance. In addition, every woman resident of child-bearing age is to receive routine obstetrical and gynecological evaluations and necessary prenatal care. Guidelines of the American College of Obstetricians and Gynecologists have been included to define more clearly what constitutes "routine obstetrical and gynecological evaluations and necessary prenatal care." These changes are necessitated by Public Act 86-1013.

Employee or resident as perpetrator of abuse: Also in accordance with Public Act 86-1013, the amendment of Section 300.3240 is proposed to include provisions concerning the perpetration of abuse by residents or employees. An employee who is the perpetrator of abuse will immediately be barred from any further contact with residents of the facility, pending the outcome of any further investigation, prosecution or disciplinary action against the employee. The condition of a resident who is the perpetrator of abuse will be evaluated to determine the most suitable therapy and placement for the resident, considering the safety of the resident as well as the safety of other residents and employees of the facility.

Personal needs allowance: The Department is proposing the amendment of Section 300.3260 to implement Public Act 86-486, which requires facilities to take all steps necessary to ensure that a personal needs allowance that is placed in a resident's personal account is used exclusively by the resident or for the benefit of the resident. A definition of the term "personal needs allowance" is also included.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of this notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?Yes ☐ No ☒7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify the date: _____

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8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ☐ No ☒

If "yes," please specify type: 6.02(a) or 6.02(b) _____

9) Are there any other Proposed Amendments Pending on this Part?

Yes ☒ No ☐

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
300.2110	Amendments	14 Ill. Reg. 2261
300.2210	Amendments	14 Ill. Reg. 2261
300.2230	Amendments	14 Ill. Reg. 2261
300.2420	Amendments	14 Ill. Reg. 2261
300.2920	Amendments	14 Ill. Reg. 2261
300.2930	Amendments	14 Ill. Reg. 2261
300.3060	Amendments	14 Ill. Reg. 2261
300.3120	Amendments	14 Ill. Reg. 2261
300.3130	Amendments	14 Ill. Reg. 2261

10) Statement of Statewide Policy Objectives:

Please specify: This rulemaking neither creates nor expands a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

June 5, 1990

B) Type of Small Businesses Affected:

Skilled nursing facilities and intermediate care facilities.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

No additional reporting, bookkeeping or other procedures are required for compliance.

D) Types of Professional Skills Necessary for Compliance:

No additional professional skills are necessary for compliance.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 300

SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
300.110	General Requirements
300.120	Application for License
300.130	Licensee
300.140	Issuance of an Initial License for a New Facility
300.150	Issuance of an Initial License Due to a Change of Ownership
300.160	Issuance of a Renewal License
300.165	Criteria for Adverse Licensure Actions
300.170	Denial of Initial License
300.175	Denial of Renewal of License
300.180	Revocation of License
300.190	Experimental Program Conflicting With Requirements
300.200	Inspections, Surveys, Evaluations and Consultation
300.210	Filing an Annual Attested Financial Statement
300.220	Information to Be Made Available to the Public By the Department
300.230	Information to Be Made Available to the Public By the Licensee
300.240	Municipal Licensing
300.250	Ownership Disclosure
300.260	Issuance of Conditional Licenses
300.270	Monitor and Receivership
300.272	Determination to Issue a Notice of Violation or Administrative Warning
300.274	Determination of the Level of a Violation
300.276	Notice of Violation
300.277	Administrative Warning
300.278	Plans of Correction
300.280	Reports of Correction
300.282	Conditions for Assessment of Penalties
300.284	Calculation of Penalties
300.286	Determination to Assess Penalties
300.288	Reduction or Waiver of Penalties
300.290	Quarterly List of Violators
300.300	Alcoholism Treatment Programs In Long-Term Care Facilities
300.310	Department May Survey Facilities Formerly Licensed
300.320	Waivers
300.330	Definitions
300.340	Incorporated and Referenced Materials

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SUBPART B: ADMINISTRATION

300.510 Administrator

SUBPART C: POLICIES

300.610	Resident Care Policies
300.620	Admission and Discharge Policies
300.630	Contract Between Resident and Facility
300.640	Residents' Advisory Council
300.650	Personnel Policies
300.655	Initial Health Evaluation for Employees
300.660	Nursing Assistants
300.665	Student Interns
300.670	Disaster Preparedness
300.680	Restraints and Safety Devices
300.690	Serious Incidents and Accidents
	SUBPART D: PERSONNEL
300.810	General
300.820	Categories of Personnel
300.830	Consultation Services
300.840	Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

300.1010	Medical Care Policies
300.1020	Communicable Disease Policies
300.1025	Tuberculin Skin Test Procedures
300.1030	Medical Emergencies
300.1040	Behavior Emergencies
300.1050	Dental Standards

SUBPART F: NURSING AND PERSONAL CARE

300.1210	General Requirements for Nursing and Personal Care
300.1220	Supervision of Nursing Services
300.1230	Staffing
300.1240	Additional Requirements

SUBPART G: RESIDENT CARE SERVICES

300.1410	Activity Program
300.1420	Specialized Rehabilitation Services
300.1430	Work Programs

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SUBPART H: MEDICATIONS

300.1610 Medication Policies and Procedures
300.1620 Conformance With Physician's Orders
300.1630 Administration of Medication
300.1640 Labeling and Storage of Medications
300.1650 Control of Medications

SUBPART I: RESIDENT AND FACILITY RECORDS

300.1810 Resident Record Requirements
300.1820 Content of Medical Records
300.1830 Records Pertaining to Residents' Property
300.1840 Retention and Transfer of Resident Records
300.1850 Other Resident Record Requirements
300.1860 Staff Responsibility for Medical Records
300.1870 Retention of Facility Records
300.1880 Other Facility Record Requirements

SUBPART J: FOOD SERVICE

300.2010 Director of Food Services
300.2020 Dietary Staff in Addition to Director of Food Services
300.2030 Hygiene of Dietary Staff
300.2040 Diet Orders
300.2050 Adequacy of Diet and Meal Pattern
300.2060 Therapeutic Diets
300.2070 Scheduling Meals
300.2080 Menu Planning
300.2090 Food Preparation and Service
300.2100 Food Handling Sanitation
300.2110 Kitchen Equipment, Utensils, and Supplies

SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

300.2210 Maintenance
300.2220 Housekeeping
300.2230 Laundry Services

SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

300.2410 Furnishings
300.2420 Equipment and Supplies
300.2430 Sterilization of Equipment and Supplies

SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

300.2610 Codes

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

300.2620 Water Supply
300.2630 Sewage Disposal
300.2640 Plumbing

300.2810 Applicability of these Standards
300.2820 Codes and Standards
300.2830 Preparation of Drawings and Specifications
300.2840 Site
300.2850 Administration and Public Areas
300.2860 Nursing Unit
300.2870 Dining, Living, Activities Rooms
300.2880 Therapy and Personal Care
300.2890 Service Departments
300.2900 General Building Requirements
300.2910 Structural
300.2920 Mechanical Systems
300.2930 Plumbing Systems
300.2940 Electrical Systems

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

300.3010 Applicability
300.3020 Codes and Standards
300.3030 Preparation of Drawings and Specifications
300.3040 Site
300.3050 Administration and Public Areas
300.3060 Nursing Unit
300.3070 Living, Dining, Activities Rooms
300.3080 Treatment and Personal Care
300.3090 Service Departments
300.3100 General Building Requirements
300.3110 Structural
300.3120 Mechanical Systems
300.3130 Plumbing Systems
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SUBPART P: RESIDENT'S RIGHTS

300.3210 General
300.3220 Medical and Personal Care Program
300.3230 Restraints
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300.3260 Resident's Funds

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300.3270 Residents' Advisory Council
300.3280 Contract With Facility
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300.3300 Transfer or Discharge
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300.3320 Confidentiality
300.3330 Facility Implementation

SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

300.3410 Application of Other Divisions of These Minimum Standards, Rules and Regulations
300.3420 Administrator
300.3430 Policies
300.3440 Personnel
300.3450 Resident Living Services Medical and Dental Care
300.3460 Resident Services Program
300.3470 Psychological Services
300.3480 Social Services
300.3490 Recreational and Activities Services
300.3500 Individual Treatment Plan
300.3510 Health Services
300.3520 Medical Services
300.3530 Dental Services
300.3540 Audiometric Services
300.3550 Podiatric Services
300.3570 Occupational Therapy Services
300.3580 Nursing and Personal Care
300.3590 Resident Care Services
300.3600 Record Keeping
300.3610 Food Service
300.3620 Furnishings, Equipment and Supplies (New and Existing Facilities)
300.3630 Design and Construction Standards (New and Existing Facilities)

SUBPART R: DAYCARE PROGRAMS

300.3710 Day Care in Long-Term Care Facilities

APPENDIX A Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities
APPENDIX B Classification of Distinct Part of a Facility for Different Levels of Service
APPENDIX C Federal Requirements Regarding Patients'/Residents' Rights
APPENDIX D Forms for Day Care in Long-Term Care Facilities
APPENDIX E Criteria for Activity Directors Who Need Only Minimal Consultation

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TABLE A Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities
TABLE B Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities
TABLE C Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities
TABLE D Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq.; as amended by P.A. 85-1183, effective August 13, 1988; and P.A. 85-1378, effective September 1, 1988; P.A. 86-130, effective August 3, 1989, Sections 3 and 4 effective January 1, 1990; P.A. 86-486, effective January 1, 1990; and Public Act 86-1013, effective January 3, 1990).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended by 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. effective

NOTE: Italics and capitalization denote statutory language.

Section 300.330 Definitions

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The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

ABUSE - ANY PHYSICAL OR MENTAL INJURY OR SEXUAL ASSAULT INFLICTED ON A RESIDENT OTHER THAN BY ACCIDENTAL MEANS IN A FACILITY. (Section 1-103 of the Act)

ACCESS - THE RIGHT TO:

ENTER ANY FACILITY;

COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT WHO CONSENTS TO THE COMMUNICATION;

SEEK CONSENT TO COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT;

INSPECT THE CLINICAL AND OTHER RECORDS OF A RESIDENT WITH THE EXPRESS WRITTEN CONSENT OF THE RESIDENT;

OBSERVE ALL AREAS OF THE FACILITY EXCEPT THE LIVING AREA OF ANY RESIDENT WHO PROTESTS THE OBSERVATION. (Section 1-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-969, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988; Public Act 86-130, effective August 3, 1989; Sections 3 and 4 effective January 1, 1990; Public Act 86-486, effective January 1, 1990; and Public Act 86-1013, effective January 3, 1990).

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a

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facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 300.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a level A or level B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

AFFILIATE MEANS:

WITH RESPECT TO A PARTNERSHIP, EACH PARTNER THEREOF.

WITH RESPECT TO A CORPORATION, EACH OFFICER, DIRECTOR AND STOCKHOLDER THEREOF.

WITH RESPECT TO A NATURAL PERSON: ANY PERSON RELATED IN THE FIRST DEGREE OF KINSHIP TO THAT PERSON; EACH PARTNERSHIP AND EACH PARTNER THEREOF OF WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS A PARTNER; AND EACH CORPORATION IN WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS AN OFFICER, DIRECTOR OR STOCKHOLDER. (Section 1-106 of the Act)

Aide or Orderly - any person providing direct personal care, training or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

APPLICANT - ANY PERSON MAKING APPLICATION FOR A LICENSE. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or

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situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

Autism - A syndrome described as consisting of withdrawal, very inadequate social relationships, exceptionally object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; Mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part, means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of

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participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - a charge nurse is a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

Community Living Facility - see Facility, Community Living.

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse. Examples of physical abuse are restraining a resident, striking, slapping, hitting, or withholding food as punishment. Examples of mental abuse are swearing, threatening and seclusion.

Dentist - any person licensed by the State of Illinois to practice dentistry. Includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 2301 et seq.).

Department - as used in this Part means the Illinois Department of Public Health.

Developmentally Disabled - those individuals whose disability is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other pathological conditions which generally originate before such individuals attain age 18, and which continue, or can be expected to continue, indefinitely, and which constitute a substantial functioning handicap to such individuals.

Developmental Disability - a severe, chronic disability of a person which:

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is attributable to a mental or physical impairment or combination of mental and physical impairments;

is manifest before age 22;

is likely to continue indefinitely;

results in substantial functional limitations in three or more of the following areas of major life activities:

self-care;

receptive and expressive language;

learning;

mobility;

self-direction;

capacity for independent living; and

economic self-sufficiency; and

reflects the person's needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of life-long or extended duration and individually planned and coordinated.

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate of a Department-approved course that provides 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

has training and experience in food service supervision and management in a military service equivalent in content to the program in paragraph (2) or (3) of this definition.

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Dietitian - a person who:

is eligible for registration by the American Dietetic Association; or

has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Care Aide - Any person who provides nursing care, personal care or psychosocial support to residents of Specialized living Facilities, regardless of title, and who is not a Qualified Professional, as defined in these rules. Director Care Aides must function under the supervision of a licensed nurse when performing nursing or personal care duties.

Direct Supervision - means that work is performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

DIRECTOR - THE DIRECTOR OF PUBLIC HEALTH OR HIS DESIGNEE. (Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

DISCHARGE - THE FULL RELEASE OF ANY RESIDENT FROM A FACILITY. (Section 1-111 of the Act)

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility.

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of

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consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Equivalent of a Graduate Licensed Practical Nurse - a licensed practical nurse, licensed by waiver who successfully passes the proficiency examination approved by the U.S. Department of Health and Human Services shall be considered the equivalent of a licensed practical nurse who is a graduate of an approved school of practical nursing for the purposes of this Part.

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Community Living - a place of residence as limited in these standards for between five and 80 ambulatory adults who are mildly or moderately mentally retarded with a potential for being absorbed into the mainstream of community life.

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when used in this Part, is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled. Facilities with any number less than 50 percent of developmentally disabled residents, who are determined by the Department with consultation from the Division of Developmental Disabilities, Illinois Department of Mental Health and Developmental Disabilities to need organized social support and training programs, must comply with the program requirements in these minimum Standards.

FACILITY OR LONG-TERM CARE FACILITY - A PRIVATE HOME, INSTITUTION, BUILDING, RESIDENCE, OR ANY OTHER PLACE, WHETHER OPERATED FOR PROFIT OR NOT, OR A COUNTY HOME FOR THE INFIRM AND CHRONICALLY ILL OPERATED PURSUANT TO THE COUNTY HOME ACT (111. Rev. Stat. 1987, ch. 53, par. 61 et seq.), AS NOW OR HEREFTER AMENDED, OR BY A COUNTY PURSUANT TO "AN ACT IN RELATION TO HOMES FOR THE AGED" (111. Rev.

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Stat. 1987, ch. 34, par. 351 et seq.) AS NOW OR HEREFTER AMENDED, OR ANY SIMILAR INSTITUTION OPERATED BY A POLITICAL SUBDIVISION OF THE STATE OF ILLINOIS, WHICH PROVIDES, THROUGH ITS OWNERSHIP OR MANAGEMENT, PERSONAL CARE, SHELTERED CARE OR NURSING FOR THREE OR MORE PERSONS, NOT RELATED TO THE APPLICANT OR OWNER BY BLOOD OR MARRIAGE. IT INCLUDES SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES AS THOSE TERMS ARE DEFINED IN TITLE XVIII AND TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C.A. 1395 et seq. and 1936 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "FACILITY" DOES NOT INCLUDE THE FOLLOWING:

A HOME, INSTITUTION, OR OTHER PLACE OPERATED BY THE FEDERAL GOVERNMENT OR AGENCY THEREOF, OR BY THE STATE OF ILLINOIS;

A HOSPITAL, SANITARIUM, OR OTHER INSTITUTION WHOSE PRINCIPAL ACTIVITY OR BUSINESS IS THE DIAGNOSIS, CARE, AND TREATMENT OF HUMAN ILLNESS THROUGH THE MAINTENANCE AND OPERATION AS ORGANIZED FACILITIES THEREFOR, WHICH IS REQUIRED TO BE LICENSED UNDER THE HOSPITAL LICENSING ACT (111. Rev. Stat. 1987, ch. 111 1/2, par. 142 et seq.) AS NOW OR HEREFTER AMENDED; OR

ANY "FACILITY FOR CHILD CARE" AS DEFINED IN THE CHILD CARE ACT OF 1969 (111. Rev. Stat. 1987, ch. 23, par. 2211 et seq.) AS NOW OR HEREFTER AMENDED; OR ~~Section 1-113-of-the-Act~~

ANY NURSING HOME OR SANATORIUM OPERATED SOLELY BY AND FOR PERSONS WHO RELY EXCLUSIVELY UPON TREATMENT BY SPIRITUAL MEANS THROUGH PRAYER, IN ACCORDANCE WITH THE CREED OR TENETS OF ANY WELL-RECOGNIZED CHURCH OR RELIGIOUS DENOMINATION. HOWEVER, SUCH NURSING HOME OR SANATORIUM SHALL COMPLY WITH ALL LOCAL LAWS AND RULES RELATING TO SANITATION AND SAFETY. (Section 1-113 of the Act)

Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two month period of time.

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Full-time - means on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

GUARDIAN - A PERSON APPOINTED AS A GUARDIAN OF THE PERSON OR GUARDIAN OF THE ESTATE, OR BOTH, OF A RESIDENT UNDER THE PROBATE ACT OF 1975 (Ill. Rev. Stat. 1987, ch. 110 1/2, par. 1-1 et seq.) AS NOW OR HEREFTER AMENDED. (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not for profit corporation incorporated under, or qualified as a foreign corporation under, the General Not For Profit Corporation Act of 1986, as heretofore or hereafter amended (Ill. Rev. Stat. 1987, ch. 32, par. 101.01 et seq.); or, by a county pursuant to "AN ACT in relation to homes for the aged", as heretofore or hereafter amended (Ill. Rev. Stat. 1987, ch. 34, par. 3561 et seq.); or, pursuant to a trust or endowment established for nonprofit, charitable purposes, and which provides maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are 60 or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

House Manager - a qualified person on duty 40 hours a week managing the Community Living Facility and responsible for its operation and

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its inhabitants.

Individual Educational Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Institutional Occupancy - when used in this Part means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of the Life Safety Code, National Fire Protection Association (1967 Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for The Developmentally Disabled (ICF-DD's) at least one member of the team shall be a Qualified Mental Retardation Professional.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act (Ill. Rev. Stat. 1987, ch. 111, par. 3651 et seq.), as now or hereafter amended.

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

LICENSEE - THE PERSON OR ENTITY LICENSED TO OPERATE THE FACILITY AS PROVIDED UNDER THE ACT. (Section 1-115 of the Act)

Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

MAINTENANCE - FOOD, SHELTER, AND LAUNDRY SERVICES. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

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Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Mobile Resident - any resident who is able to move about either independently or with the aid of assistive devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

NEGLECT - A FAILURE IN A FACILITY TO PROVIDE ADEQUATE MEDICAL OR PERSONAL CARE OR MAINTENANCE, WHICH FAILURE RESULTS IN PHYSICAL OR MENTAL INJURY TO A RESIDENT OR IN THE DETERIORATION OF A RESIDENT'S PHYSICAL OR MENTAL CONDITION. (Section 1-117 of the Act)

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as

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possible to the norms and patterns of the mainstream of society.

NURSE - A REGISTERED NURSE OR A LICENSED PRACTICAL NURSE AS DEFINED IN THE ILLINOIS NURSING ACT OF 1987 (111. Rev. Stat. 1987, ch. 111, par. 3501 et seq.) AS NOW OR HEREAFTER AMENDED. (Section 1-118 of the Act)

Nursing Assistant - Any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable distinct part of a facility consisting of all the beds within the distinct part, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered with the Department of Professional Regulation as an occupational therapist under the Illinois Occupational Therapy Practice Act (111. Rev. Stat. 1987, ch. 111, par. 3701 et seq.).

Occupational Therapy Assistant - a person who is registered with the Department of Professional Regulation as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act (111. Rev. Stat. 1987, ch. 111, par. 3701 et seq.).

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Oversight - general watchfulness and appropriate reaction to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational

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and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

OWNER - THE INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER PERSON WHO OWNS A FACILITY. IN THE EVENT A FACILITY IS OPERATED BY A PERSON WHO LEASES THE PHYSICAL PLANT, WHICH IS OWNED BY ANOTHER PERSON, "OWNER" MEANS THE PERSON WHO OPERATES THE FACILITY, EXCEPT THAT IF THE PERSON WHO OWNS THE PHYSICAL PLANT IS AN AFFILIATE OF THE PERSON WHO OPERATES THE FACILITY AND HAS SIGNIFICANT CONTROL OVER THE DAY-TO-DAY OPERATIONS OF THE FACILITY, THE PERSON WHO OWNS THE PHYSICAL PLANT SHALL INCUR JOINTLY AND SEVERALLY WITH THE OWNER ALL LIABILITIES IMPOSED ON AN OWNER UNDER THE ACT. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

PERSONAL CARE - ASSISTANCE WITH MEALS, DRESSING, MOVEMENT, BATHING, OR OTHER PERSONAL NEEDS, OR GENERAL SUPERVISION AND OVERSIGHT OF THE PHYSICAL AND MENTAL WELL-BEING OF AN INDIVIDUAL, EXCLUSIVE OF NURSING, WHO BECAUSE OF AGE, PHYSICAL OR MENTAL DISABILITY, EMOTIONAL OR BEHAVIOR DISORDER, OR MENTAL RETARDATION IS INCAPABLE OF MAINTAINING A PRIVATE, INDEPENDENT RESIDENCE, OR WHO IS INCAPABLE OF MANAGING HIS PERSON WHETHER OR NOT A GUARDIAN HAS BEEN APPOINTED. (Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4121 et seq.).

Physical Therapy Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered with the Department of Professional Regulation as a physical therapist under the Illinois Physical Therapy Act (Ill. Rev. Stat. 1987, ch. 111 par. 4251 et seq.).

Physician - any person licensed by the State of Illinois to practice medicine in all its branches as provided in the Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 4400-1 et seq.).

Probationary License - an initial license issued for a period of 120

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days during which time the Department will determine the qualifications of the applicant.

Program Coordinator - a qualified person directly responsible for the overall program, operation and management of a Community Living Facility.

Program Unit - a resident care unit in Specialized Living Facilities equivalent to a nursing unit in Skilled Nursing facilities as defined in this Part.

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed by the Illinois Department of Professional Regulation to practice clinical psychology under the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1987, ch. 111, par. 5351 et seq.).

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified by the State of Illinois, if required.

REASONABLE VISITING HOURS - ANY TIME BETWEEN THE HOURS OF 10 A.M. AND 8 P.M. DAILY. (Section 1-121 of the Act)

Registered Nurse - a person with a valid Illinois license from the

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Illinois Department of Professional Regulation to practice as a registered professional nurse under the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 3501 et seq.).

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

RESIDENT - PERSON RESIDING IN AND RECEIVING PERSONAL CARE FROM A FACILITY. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

RESIDENT'S REPRESENTATIVE - A PERSON OTHER THAN THE OWNER, OR AN AGENT OR EMPLOYEE OF A FACILITY NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Restraint of a Resident - the application of a device to limit movements.

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Safety Device - any equipment or protective device used on a bed, chair, or resident which prevents him from falling or otherwise injuring himself. Examples are: bedside rails, geriatric or adaptive chairs, a wide band, vest or sheet applied to prevent falling out of a bed or chair, and hand socks applied to prevent injuring one's self.

Sanitization - the reduction of pathogenic organisms on a utensil

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surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident in a room which the resident cannot open.

Self Preservation - the ability to follow directions or recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

SHELTERED CARE - MAINTENANCE AND PERSONAL CARE. (Section 1-124 of the Act)

Social Worker, Qualified - a person who:

is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 6351 et seq., as amended by Public Act 85-1131, effective July 21, 1988); and

is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Master's Degree programs); and

has one year of social work experience in a health care setting.

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

STOCKHOLDER OF A CORPORATION - ANY PERSON WHO, DIRECTLY OR INDIRECTLY, BENEFICIALLY OWNS, HOLDS OR HAS THE POWER TO VOTE, AT LEAST FIVE PERCENT OF ANY CLASS OF SECURITIES ISSUED BY THE CORPORATION. (Section 1-125 of the Act)

Story - when used in this Part means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

STUDENT INTERN - MEANS ANY PERSON WHOSE TOTAL TERM OF EMPLOYMENT IN ANY FACILITY DURING ANY 12-MONTH PERIOD IS EQUAL TO OR LESS THAN 90

TITLE XIX - TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR
HEREAFTER AMENDED. (Section 1-127 of the Act)

TRANSFER - A CHANGE IN STATUS OF A RESIDENT'S LIVING ARRANGEMENTS
FROM ONE FACILITY TO ANOTHER FACILITY. (Section 1-128 of the Act)

TYPE A VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES
PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE
RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY PRESENTING A
SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR PHYSICAL HARM
TO A RESIDENT WILL RESULT THEREFROM. (Section 1-129 of the Act)

TYPE B VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED
THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE
OPERATION AND MAINTENANCE OF A FACILITY DIRECTLY THREATENING TO THE
HEALTH, SAFETY OR WELFARE OF A RESIDENT. (Section 1-130 of the Act)

Unit - an entire physically identifiable residence area, in Community
Living Facilities consisting of not less than five nor more than 20
beds, and having facilities meeting the standards applicable to the
levels of service to be provided. Staff and services for each
distinct resident area are established as set forth in the respective
regulations governing the approved levels of service.

Universal Progress Notes - a common record with periodic narrative
documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and
unexpired.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 300.1010 Medical Care Policies

a) Advisory Physician or Medical Advisory Committee

- 1) There shall be an advisory physician, or a medical advisory
committee composed of physicians, who shall be responsible for
advising the administrator on the overall medical management of
the residents and the staff of the facility. If the facility
employs a house physician, he may be the advisory physician. (B)
- 2) Additional for Skilled Nursing Facilities. There shall be a
medical advisory committee composed of two or more physicians
who shall be responsible for advising the administrator on the
overall medical management of the residents and the staff in the
facility. If the facility employs a house physician, the house
physician may be one member of this committee.

CONTINUOUS DAYS, AND WHOSE TERM OF EMPLOYMENT IS EITHER:

AN ACADEMIC CREDIT REQUIREMENT IN A HIGH SCHOOL OR UNDERGRADUATE
INSTITUTION, OR

IMMEDIATELY SUCCEEDS A FULL QUARTER, SEMESTER OR TRIMESTER OF
ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE
INSTITUTION, PROVIDED THAT SUCH PERSON IS REGISTERED FOR ANOTHER
FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN
EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION WHICH
QUARTER, SEMESTER OR TRIMESTER WILL COMMENCE IMMEDIATELY
FOLLOWING THE TERM OF EMPLOYMENT. (Section 1-125.1 of the Act)

Substantial - meeting requirements except for variance from the
strict and literal performance which result in unimportant omissions
or defects given the particular circumstances involved. This
definition is limited to the phrase as used in Sections
300.280(q)(8), 300.280(k)(2) and 300.280(k)(4).

Substantial failure - the failure to meet requirements other than a
variance from the strict and literal performance which result in
unimportant omissions or defects given the particular circumstances
involved. This definition is limited to the phrase as used in
Sections 300.180(b)(1) and 300.260(f).

Sufficient - Same as adequate.

Supervision - authoritative procedural guidance by a qualified person
for the accomplishment of a function or activity within his sphere of
competence, with initial direction and periodic inspection of the
actual act of accomplishing the function or activity. Unless
otherwise stated in regulations, the supervisor must be on the
premises if the person does not meet assistant level (two year
training program) qualifications specified in these definitions.

Therapeutic Recreation Specialist - a person who is certified by the
National Council for Therapeutic Recreation Certification and who
meets the minimum standards it has established for classification as
a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in
undesirable behavior. It is a behavior modification procedure which
is developed and implemented under the supervision of a qualified
professional.

TITLE XVIII - TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT AS NOW
OR HEREAFTER AMENDED. (Section 1-126 of the Act)

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- b) The facility shall have and follow a written program of medical services which sets forth the following: the philosophy of care and policies and procedures to implement it; the structure and function of the medical advisory committee, if the facility has one; the health services provided; arrangements for transfer when medically indicated; and procedures for securing the cooperation of residents' personal physicians. The medical program shall be approved in writing by the advisory physician or the medical advisory committee. (B)
- c) Every resident shall be under the care of a physician. Residents in facilities operated under a Beneficial Christian Science may be exempt from this requirement.
- d) All residents, or their guardians, shall be permitted their choice of a physician.
- e) All residents shall be seen by their physician as often as necessary to assure adequate health care. (Medicare/Medicaid requires certification visits.)
- f) Physician treatment plans, orders and similar documentation shall have an original written signature of the physician. A stamp signature, with or without initials, is not sufficient.
- g) Each resident admitted shall have a physical examination, within five days prior to admission or within 72 hours after admission. The examination report shall include at a minimum each of the following:
- 1) An evaluation of the resident's condition, including height and weight, diagnoses, plan of treatment, recommendations, treatment orders, personal care needs, and permission for participation in activity programs as appropriate.
 - 2) Documentation of the presence or absence of tuberculosis infection by tuberculin skin test in accordance with Section 300.1025.
 - 3) Documentation of the presence or absence of incipient or manifest decubitus ulcers (commonly known as bed sores), with grade, size and location specified, and orders for treatment, if present. (A photograph of incipient or manifest decubitus ulcers is recommended on admission.)
 - 3) Orders from the physician regarding weighing of the resident, and the frequency of such weighing, if ordered.
 - h) The facility shall notify the resident's physician of any accident,

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- injury, or significant change in a resident's condition that threatens the health, safety or welfare of a resident, including, but not limited to, the presence of incipient or manifest decubitus ulcers or a weight loss or gain of five percent or more within a period of 30 days. The facility shall obtain and record the physician's plan of care for the care or treatment of such accident, injury or change in condition at the time of notification. (B)
- i) At the time of an accident or injury, immediate treatment shall be provided by personnel trained in first aid procedures. (B)
(Source: Amended at 14 Ill. Reg. ____, effective ____)
- Section 300.3220 Medical and Personal Care Program
- a) A RESIDENT SHALL BE PERMITTED TO RETAIN THE SERVICES OF HIS OWN PERSONAL PHYSICIAN AT HIS OWN EXPENSE UNDER AN INDIVIDUAL OR GROUP PLAN OF HEALTH INSURANCE, OR UNDER ANY PUBLIC OR PRIVATE ASSISTANCE PROGRAM PROVIDING SUCH COVERAGE. (B) (Section 2-104(a) of the Act)
- b) THE DEPARTMENT SHALL NOT PRESCRIBE THE COURSE OF MEDICAL TREATMENT PROVIDED TO AN INDIVIDUAL RESIDENT BY THE RESIDENT'S PHYSICIAN IN A FACILITY. (Section 2-104(a) of the Act)
- c) ALL RESIDENTS SHALL BE PERMITTED TO OBTAIN FROM THEIR OWN PHYSICIAN OR THE PHYSICIAN ATTACHED TO THE FACILITY COMPLETE AND CURRENT INFORMATION CONCERNING HIS MEDICAL DIAGNOSIS, TREATMENT AND PROGNOSIS IN TERMS AND LANGUAGE THE RESIDENT CAN REASONABLY BE EXPECTED TO UNDERSTAND. (Section 2-104(a) of the Act)
- d) ALL RESIDENTS SHALL BE PERMITTED TO PARTICIPATE IN THE PLANNING OF THEIR TOTAL CARE AND MEDICAL TREATMENT TO THE EXTENT THAT THEIR CONDITION PERMITS. (Section 2-104(a) of the Act)
- e) NO RESIDENT SHALL BE SUBJECTED TO EXPERIMENTAL RESEARCH OR TREATMENT WITHOUT FIRST OBTAINING HIS INFORMED, WRITTEN CONSENT. THE CONDUCT OF ANY EXPERIMENTAL RESEARCH OR TREATMENT SHALL BE AUTHORIZED AND MONITORED BY AN INSTITUTIONAL REVIEW COMMITTEE APPOINTED BY THE ADMINISTRATOR OF THE FACILITY WHERE SUCH RESEARCH AND TREATMENT IS CONDUCTED. (A, B) (Section 2-104(a) of the Act)
- f) ALL MEDICAL TREATMENT AND PROCEDURES SHALL BE ADMINISTERED AS ORDERED BY A PHYSICIAN. ALL NEW PHYSICIAN ORDERS SHALL BE REVIEWED BY THE FACILITY'S DIRECTOR OF NURSING OR CHARGE NURSE DESIGNEE WITHIN 24 HOURS AFTER SUCH ORDERS HAVE BEEN ISSUED TO ASSURE FACILITY COMPLIANCE WITH SUCH ORDERS. EVERY WOMAN RESIDENT OF CHILD-BEARING AGE SHALL RECEIVE ROUTINE OBSTETRICAL AND GYNECOLOGICAL EVALUATIONS

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AS WELL AS NECESSARY PRENATAL CARE. (Section 2-104(b) of the Act)

1) "Routine obstetrical evaluations" shall include, as a minimum, the following:

- A) A comprehensive health history, including menstrual history, data on the current pregnancy that allow the physician to estimate the date of delivery;
- B) Identification of factors in the current pregnancy that help to identify the patient at high risk, such as maternal age, vaginal bleeding, edema, urinary infection, exposure to radiation and chemicals, ingestion of drugs and alcohol, and use of tobacco;
- C) A comprehensive physical examination, including an evaluation of nutritional status; determination of height, weight and blood pressure; examination of the head, breasts, heart, lungs, abdomen, pelvis, rectum, and extremities.
- D) The following laboratory tests, as early in pregnancy as possible. Findings obtained from the history and physical examination may determine the need for additional laboratory evaluations.
 - i) Hemoglobin or hematocrit measurement
 - ii) Urinalysis, including microscopic examination or culture
 - iii) Blood group and Rh type determination
 - iv) Antibody screen
 - v) Rubella antibody titer measurement
 - vi) Syphilis screen
 - vii) Cervical cytology
- E) A risk assessment, which, based on the findings of the history and physical examination, should indicate any risk factors that may require special management, such as cardiovascular disease, maternal age less than 15 years or more than 35 years, neurologic disorder, or congenital abnormalities.

2) "Necessary prenatal care" shall include, as a minimum, the following:

- A) Return visits, the frequency of which will be determined by the patient's needs and risk factors. Generally a woman with an uncomplicated pregnancy should be seen every 4

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weeks for the first 28 weeks of pregnancy, every 2-3 weeks until 36 weeks of gestation, and weekly thereafter.

- B) The physical examination at each visit should include determinations of blood pressure, measured fundal height, fetal heart rate, and, in later months, fetal presentation, and urinalysis for albumin and glucose. Hemoglobin or hematocrit level should be measured again early in the third trimester. Glucose screening is recommended for women who are 30 years of age or older.
 - C) Evaluation and monitoring of nutritional status and habits.
 - D) Education for health promotion and maintenance.
 - E) Counseling concerning exercise and child birth education programs.
 - F) Postpartum review and evaluation 4-8 weeks after delivery, including determination of weight and blood pressure and assessment of status of breasts, abdomen, and external and internal genitalia.
- 3) "Routine gynecological evaluations" shall include, as a minimum, the following:
- A) An initial examination, the basic components of which are:
 - i) History; any present illnesses; menstrual, reproductive, medical, surgical, emotional, social, family, and sexual history; medications; allergies; family planning; and systems review.
 - ii) Physical examination, including height, weight, nutritional status, and blood pressure; head and neck, including thyroid gland; heart; lungs; breasts; abdomen; pelvis, including external and internal genitalia; rectum; extremities, including signs of abuse; lymph nodes.
 - iii) Laboratory tests, including urine screen; hemoglobin or hematocrit determination and, if indicated, complete blood cell count; cervical cytology; rubella titer.

B) Annual updates:

- i) History, including the purpose of the visit; menstrual

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history; interval history, including systems review; emotional history:

- ii) Physical examination, including weight, nutritional status and blood pressure; thyroid gland; breasts; abdomen; pelvis, including external and internal genitalia; rectum; other areas as indicated by the interval history.

- iii) Laboratory, including urine screen; cervical cytology, unless not indicated; hemoglobin or hematocrit determinations.

- iv) Additional laboratory tests, such as screening for sexually transmitted disease, should be performed as warranted by the history, physical findings, and risk factors.

D) Cancer screening.

- i) An annual Pap test for all women who are or have been sexually active or have reached age 18.

- ii) Mammography if indicated.

EVERY RESIDENT SHALL BE PERMITTED TO REFUSE MEDICAL TREATMENT AND TO KNOW THE CONSEQUENCES OF SUCH ACTION, UNLESS SUCH REFUSAL WOULD BE HARMFUL TO THE HEALTH AND SAFETY OF OTHERS AND SUCH HARM IS DOCUMENTED BY A PHYSICIAN IN THE RESIDENT'S CLINICAL RECORD. (B) (Section 2-104(c)(4) of the Act)

h)g) Inspection and Copying of Records

- 1) EVERY RESIDENT, RESIDENT'S GUARDIAN, OR PARENT (IF THE RESIDENT IS A MINOR) SHALL BE PERMITTED TO INSPECT AND COPY ALL OF THE RESIDENT'S CLINICAL AND OTHER RECORDS CONCERNING THE RESIDENT'S CARE AND MAINTENANCE KEPT BY THE FACILITY OR BY THE RESIDENT'S PHYSICIAN. (Section 2-104(c) of the Act)

- 2) EVERY RESIDENT'S REPRESENTATIVE SHALL BE PERMITTED TO INSPECT AND COPY THE RESIDENT'S RECORDS. A "RESIDENT'S REPRESENTATIVE" IS A PERSON, OTHER THAN THE OWNER OR AGENT OR EMPLOYEE OF A FACILITY WHO IS NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Sections 1-123 and 2-202(h) of the Act)

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- i) ALL RESIDENTS SHALL BE PERMITTED RESPECT AND PRIVACY IN THEIR MEDICAL AND PERSONAL CARE PROGRAM. EVERY RESIDENT'S CASE DISCUSSION, CONSULTATION, EXAMINATION AND TREATMENT SHALL BE CONFIDENTIAL, AND SHALL BE CONDUCTED DISCREETLY, AND THOSE PERSONS NOT DIRECTLY INVOLVED IN THE RESIDENT'S CARE MUST HAVE THE RESIDENT'S PERMISSION TO BE PRESENT. (B) (Section 2-105 of the Act)

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 300.3240 Abuse and Neglect

- a) AN OWNER, LICENSEE, ADMINISTRATOR, EMPLOYEE OR AGENT OF A FACILITY SHALL NOT ABUSE OR NEGLECT A RESIDENT. (A, B) (Section 2-107 of the Act)
- b) A FACILITY EMPLOYEE OR AGENT WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL IMMEDIATELY REPORT THE MATTER TO THE FACILITY ADMINISTRATOR. (Section 3-610 of the Act)
- c) A FACILITY ADMINISTRATOR WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL IMMEDIATELY REPORT THE MATTER BY TELEPHONE AND IN WRITING TO THE RESIDENT'S REPRESENTATIVE. (Section 3-610 of the Act)

- d) A FACILITY ADMINISTRATOR, EMPLOYEE, OR AGENT WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL ALSO REPORT THE MATTER TO THE DEPARTMENT. (Section 3-610 of the Act)

- e) EMPLOYEE AS PERPETRATOR OF ABUSE. WHEN AN INVESTIGATION OF A REPORT OF SUSPECTED ABUSE OF A RESIDENT INDICATES, BASED UPON CREDIBLE EVIDENCE, THAT AN EMPLOYEE OF A LONG-TERM CARE FACILITY IS THE PERPETRATOR OF THE ABUSE, THAT EMPLOYEE SHALL IMMEDIATELY BE BARRED FROM ANY FURTHER CONTACT WITH RESIDENTS OF THE FACILITY, PENDING THE OUTCOME OF ANY FURTHER INVESTIGATION, PROSECUTION OR DISCIPLINARY ACTION AGAINST THE EMPLOYEE. (Section 3-611 of the Act)

- f) RESIDENT AS PERPETRATOR OF ABUSE. WHEN AN INVESTIGATION OF A REPORT OF SUSPECTED ABUSE OF A RESIDENT INDICATES, BASED UPON CREDIBLE EVIDENCE, THAT ANOTHER RESIDENT OF THE LONG-TERM CARE FACILITY IS THE PERPETRATOR OF THE ABUSE, THAT RESIDENT'S CONDITION SHALL BE IMMEDIATELY EVALUATED TO DETERMINE THE MOST SUITABLE THERAPY AND PLACEMENT FOR THE RESIDENT, CONSIDERING THE SAFETY OF THAT RESIDENT AS WELL AS THE SAFETY OF OTHER RESIDENTS AND EMPLOYEES OF THE FACILITY. (Section 3-612 of the Act)

(Source: Amended at 14 Ill. Reg. _____, effective _____)

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Section 300.3260 Resident's Funds

- a) A RESIDENT SHALL BE PERMITTED TO MANAGE HIS OWN FINANCIAL AFFAIRS UNLESS HE OR HIS GUARDIAN OR IF THE RESIDENT IS A MINOR, HIS PARENT, AUTHORIZES THE ADMINISTRATOR OF THE FACILITY IN WRITING TO MANAGE SUCH RESIDENT'S FINANCIAL AFFAIRS UNDER SUBSECTIONS (b) THROUGH (c) ~~4~~ ⁴ OF THIS SECTION. (Section 2-102 of the Act)
- b) THE FACILITY SHALL AT THE TIME OF ADMISSION, PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN STATEMENT EXPLAINING THE RESIDENT'S RIGHTS REGARDING PERSONAL FUNDS AND LISTING THE SERVICES FOR WHICH THE RESIDENT WILL BE CHARGED, AND OBTAIN A SIGNED ACKNOWLEDGMENT FROM EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, THAT SUCH PERSON HAS RECEIVED THE STATEMENT. (Section 2-201(1) of the Act)
- c) THE FACILITY MAY ACCEPT FUNDS FROM A RESIDENT FOR SAFEKEEPING AND MANAGING, IF IT RECEIVES WRITTEN AUTHORIZATION FROM, IN ORDER OF PRIORITY, THE RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY; SUCH AUTHORIZATION SHALL BE ATTESTED TO BY A WITNESS WHO HAS NO PECUNIARY INTEREST IN THE FACILITY OR ITS OPERATIONS, AND WHO IS NOT CONNECTED IN ANY WAY TO FACILITY PERSONNEL OR THE ADMINISTRATOR IN ANY MANNER WHATSOEVER. (Section 2-201(2) of the Act)
- d) THE FACILITY SHALL MAINTAIN AND ALLOW, IN ORDER OF PRIORITY, EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, ACCESS TO A WRITTEN RECORD OF ALL FINANCIAL ARRANGEMENTS AND TRANSACTIONS INVOLVING THE INDIVIDUAL RESIDENT'S FUNDS. (Section 2-201(3) of the Act)
- e) THE FACILITY SHALL PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN ITEMIZED STATEMENT AT LEAST QUARTERLY, OF ALL FINANCIAL TRANSACTIONS INVOLVING THE RESIDENT'S FUNDS. (Section 2-201(4) of the Act)
- f) THE FACILITY SHALL PURCHASE A SURETY BOND TO GUARANTEE THE SECURITY OF RESIDENT'S FUNDS. (Section 2-201(5) of the Act)
- g) THE FACILITY SHALL KEEP ANY FUNDS RECEIVED FROM A RESIDENT FOR SAFEKEEPING IN AN ACCOUNT SEPARATE FROM THE FACILITY'S FUNDS, AND

SHALL AT NO TIME WITHDRAW ANY PART OR ALL OF SUCH FUNDS FOR ANY PURPOSE OTHER THAN TO RETURN THE FUNDS TO THE RESIDENT UPON THE REQUEST OF THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE SUCH REQUEST, TO PAY THE RESIDENT HIS ALLOWANCE, OR TO MAKE ANY OTHER PAYMENT AUTHORIZED BY THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE SUCH AUTHORIZATION. (Section 2-201(6) of the Act)

- h) THE FACILITY SHALL DEPOSIT ANY FUNDS RECEIVED FROM A RESIDENT IN EXCESS OF \$100 IN AN INTEREST BEARING ACCOUNT INSURED BY AGENCIES OF, OR CORPORATIONS CHARTERED BY, THE STATE OR FEDERAL GOVERNMENT. THE ACCOUNT SHALL BE IN A FORM WHICH CLEARLY INDICATES THAT THE FACILITY HAS ONLY A FIDUCIARY INTEREST IN THE FUNDS AND ANY INTEREST FROM THE ACCOUNT SHALL ACCRUE TO THE RESIDENT. (Section 2-201(7) of the Act)
- i) THE FACILITY MAY KEEP UP TO \$100 OF A RESIDENT'S MONEY IN A NON-INTEREST BEARING ACCOUNT OR PETTY CASH FUND, TO BE READILY AVAILABLE FOR THE RESIDENT'S CURRENT EXPENDITURES. (Section 2-201(7) of the Act)
- j) THE FACILITY SHALL RETURN TO THE RESIDENT, OR THE PERSON WHO EXECUTED THE WRITTEN AUTHORIZATION REQUIRED IN SUBSECTION (c) OF THIS SECTION, UPON WRITTEN REQUEST, ALL OR ANY PART OF THE RESIDENT'S FUNDS GIVEN TO THE FACILITY FOR SAFEKEEPING, INCLUDING THE INTEREST ACCRUED FROM DEPOSITS. (Section 2-201(8) of the Act)
- k) THE FACILITY SHALL PLACE ANY MONTHLY ALLOWANCE TO WHICH A RESIDENT IS ENTITLED IN THAT RESIDENT'S PERSONAL ACCOUNT, OR GIVE IT TO THE RESIDENT, UNLESS THE FACILITY HAS WRITTEN AUTHORIZATION FROM THE RESIDENT OR THE RESIDENT'S GUARDIAN, OR IF THE RESIDENT IS A MINOR, HIS PARENT, TO HANDLE IT DIFFERENTLY. (Section 2-201(9) of the Act)
- l) UNLESS OTHERWISE PROVIDED BY STATE LAW, THE FACILITY SHALL UPON THE DEATH OF A RESIDENT PROVIDE THE EXECUTOR OR ADMINISTRATOR OF THE RESIDENT'S ESTATE WITH A COMPLETE ACCOUNTING OF ALL THE RESIDENT'S PERSONAL PROPERTY, INCLUDING ANY FUNDS OF THE RESIDENT BEING HELD BY THE FACILITY. (Section 2-201(10) of the Act)
- m) IF AN ADULT RESIDENT IS INCAPABLE OF MANAGING HIS FUNDS AND DOES NOT HAVE A RESIDENT'S REPRESENTATIVE GUARDIAN, OR AN IMMEDIATE FAMILY MEMBER THE FACILITY SHALL NOTIFY THE OFFICE OF THE STATE GUARDIAN OF THE GUARDIANSHIP AND ADVOCACY COMMISSION. (Section 2-201(11) of the Act)
- n) IF THE FACILITY IS SOLD, THE SELLER SHALL PROVIDE THE BUYER WITH A WRITTEN VERIFICATION BY A PUBLIC ACCOUNTANT OF ALL RESIDENTS' MONIES AND PROPERTIES BEING TRANSFERRED, AND OBTAIN A SIGNED RECEIPT FROM THE NEW OWNER. (Section 2-201(12) of the Act)

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- o) THE FACILITY SHALL TAKE ALL STEPS NECESSARY TO ENSURE THAT A PERSONAL NEEDS ALLOWANCE THAT IS PLACED IN A RESIDENT'S PERSONAL ACCOUNT IS USED EXCLUSIVELY BY THE RESIDENT OR FOR THE BENEFIT OF THE RESIDENT. WHERE SUCH FUNDS ARE WITHDRAWN FROM THE RESIDENT'S PERSONAL ACCOUNT BY ANY PERSON OTHER THAN THE RESIDENT, THE FACILITY SHALL REQUIRE SUCH PERSON TO WHOM FUNDS CONSTITUTING ANY PART OF A RESIDENT'S PERSONAL NEEDS ALLOWANCE ARE RELEASED TO EXECUTE AN AFFIDAVIT THAT SUCH FUNDS SHALL BE USED EXCLUSIVELY FOR THE BENEFIT OF THE RESIDENT. (Section 2-201(9)(b) of the Act). "Personal needs allowance" for the purposes of this subsection, refers to the monthly allowance allotted by the Illinois Department of Public Aid to public aid recipients.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES
NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Case Management Services to Persons with AIDS
- 2) Code Citation: 89 Ill. Adm. Code 716
- 3) Section Numbers: Proposed Action:

716.100	new section
716.200	new section
716.300	new section
716.400	new section
716.500	new section
716.600	new section
- 4) Statutory Authority: Implementing and authorized by Section 3(g) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1988 Supp., ch. 23, par. 3434 (g))
- 5) A Complete Description of the Subjects and Issues Involved: Part 716 promulgates DORS Home Services Program's policies regarding services provided to persons with AIDS
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?
___ Yes X No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- Section Numbers Proposed Action Illinois Register Citation
- 10) Statement of Statewide Policy Objectives (if applicable):
Not Applicable
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

DEPARTMENT OF REHABILITATION SERVICES

DEPARTMENT OF REHABILITATION SERVICES

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

Ms. Janice Lobb
Regulations and Training Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

PART 716
CASE MANAGEMENT SERVICES TO PERSONS WITH AIDS

Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

Section
716.100 Program Overview
716.200 Compliance Requirements
716.300 Monitoring and Liability of Program
716.400 Subcontracts
716.500 Agency Eligibility
716.600 Staffing Requirements, Qualifications, and Training

AUTHORITY: Implementing and authorized by Section 3(g) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1988 Supp., ch. 23, par. 3434(g)).

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

SOURCE: Adopted at _____ Ill. Reg. _____
effective _____

Section 716.100 Program Overview

a) The Department of Rehabilitation Services (DORS) will enter into agreements with agencies to provide case management services to persons with AIDS (PWA's), which includes persons with human immunodeficiency virus (HIV) infection, who are eligible for services provided by the AIDS Medical Waiver. For geographical areas in Illinois in which case management agencies are not located, case management will be provided by DORS Home Services counselors, utilizing licensed home health nurses as needed to comply with the services offered and the requirements contained in Sections 716.100(c) and (d).

b) The case management agency (hereafter referred to as "Provider"), will receive client referrals from hospitals, the Illinois Department of Public Health's AIDS Hotline, other state and local agencies, and other referral services (e.g., doctors and individuals) via the DORS' AIDS Unit. The Provider will assign a Case Management Team (CMT) to each client.

c) The CMT will provide the following services:

- 1) initial assessment of eligibility and information gathering (89 Ill. Adm. Code 685);

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- 2) development of a care plan and implementation (89 Ill. Adm. Code 700);
- 3) reassessment of level of care at least every three months (89 Ill. Adm. Code 698);
- 4) networking/coordinating/brokering services;
- 5) counseling and advocacy;
- 6) interagency liaison (e.g., with DORS, vendors, hospitals);
- 7) a minimum of one weekly client contact by phone;
- 8) a minimum of one home visit per month;
- 9) maintenance and updates of client records; and
- 10) monitoring the cost effectiveness of the service plan (89 Ill. Adm. Code 700.200).

d) The CMT will determine client eligibility for the AIDS Waiver, which allows DORS to claim 50% reimbursement from Medicaid for community care for eligible individuals, by a home visit or an assessment while the applicant is hospitalized (89 Ill. Adm. Code 685.500).

- 1) The CMT will assess the applicant's limitations in activities of daily living (ADL) (e.g., cooking, bathing, shopping) and what resources are available to assist the applicant in performing the ADLs (89 Ill. Adm. Code 685.500).
- 2) If the assessment demonstrates the need for intermediate care facility (ICF), skilled nursing facility (SNF), or hospital care because of the disability of AIDS/HIV, the CMT will develop a service plan which will allow the client to live at home (89 Ill. Adm. Code 685.500).
- 3) The cost of services in the care plan cannot exceed the Illinois Department of Public Aid cost of hospitalization for the PWA (89 Ill. Adm. Code 685.600).
- 4) The service plan must be approved by the client's physician.

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- 5) The CMT shall have full responsibility for the determination of eligibility including assessment, development of plans of care, and arrangement and implementation of services to be provided.

Section 716.200 Compliance Requirements

In order to participate in the DORS' program to provide services to PWAs, the provider agrees to meet the following minimum requirements which shall be reviewed by DORS annually for compliance:

- a) Organization and Administration. The Provider shall make available, upon request, its articles of incorporation, or if unincorporated, shall provide a statement of purpose and functions; and the names and addresses of its owners, or officers and directors.
- b) Audits. DORS reserves the right to audit all records and accounts pertinent to this agreement at anytime within five years after final completion date of the agreement.
- c) Policies and Procedures. The Provider shall have written policies approved by its governing authority and available for review by consumers and purchasers of the service. Such policies shall cover at least:
 - 1) Service provided - Policy shall designate the type and scope of service provided. When more than one type of service is offered, there shall be a clear distinction between each type provided.
 - 2) Money transactions - The Provider shall have a two way receipt system in which the client and Provider are each receipted for all money transactions to protect both parties when the Provider handles the client's money, food stamps or other negotiable terms in the discharge of duties.
 - 3) Personnel Policies - Policies shall cover salary schedules, hours of work, sick leave, provision for handling employee grievances, requirements for attendance at work conferences and training sessions. There shall be written job descriptions identifying required qualifications and duties for each title. Policies shall also include the

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Centers for Disease Control (CDC) recommendations for health care workers for provision of services to PWAs and the Illinois Statutes regarding AIDS, including the AIDS Confidentiality Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 7301, et. seq.)

d) State and Federal Statutes

- 1) All Providers will be subject to compliance with the Illinois "Conflict of Interest Law" a provision of "The Illinois Purchasing Act" (Ill. Rev. Stat. 1987, ch. 127, par. 132.11-1 through 132.11-5).
- 2) All Providers must agree to comply with the 100.259 Civil Rights Restoration Act of 1987 (P.L. 100259), Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), the Illinois Human Rights Act (Ill. Rev. Stat. 1987, ch. 68, pars. 1-101 et seq., the Constitution of the United States, the 1970 laws, regulation or orders, state or federal, which prohibit discrimination on the grounds of race, color, sex, religion, national origin, ancestry, age, marital status, inability to speak or comprehend the English language, physical or mental handicaps, or unfavorable discharge from military service.
- 3) The Provider must comply with all state and federal laws regarding confidentiality, including the Federal Drug Abuse Confidentiality Act (42 U.S.C. 240 ee-3) and the Illinois AIDS Confidentiality Act (Ill. Rev. Stat. 1987 ch. 111 1/2, par. 7301, et seq.).

Section 716.300 Monitoring and Liability of Program

- a) The DORS' AIDS Unit will monitor the Provider to assure compliance with these rules by:
 - 1) reviewing and approving the assessment (Section 716.100), the plan and payments for services; and
 - 2) reviewing a random sample of AIDS cases on a semi-annual basis.

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b) Liability

- 1) DORS shall assume no liability for actions of the Provider under the Agreement.
- 2) The Provider shall agree to hold DORS harmless against any and all liability, loss, damage, cost or expenses arising from wrongful or negligent acts of the Provider.
- 3) The Provider shall certify that it has and will maintain liability insurance coverage. Policies, certificates of insurance or current letters documenting all insurance coverage shall be available from the the Provider.
- 4) The Provider shall remain liable for the performance of any person, organization or corporation with which it contracts.

Section 716.400 Subcontracts

- a) Prior, written approval of DORS is necessary for any and all subcontracts.
- b) All subcontracts must be written, subject to all the provisions of the original Agreement between DORS and the Provider.
- c) The Provider shall remain liable as in Section 716.300.

Section 716.500 Agency Eligibility

All agencies, including not-for-profit agencies, serving Illinois residents with health and/or supportive services (such as an AIDS Task Force, county and municipal health departments, and community based agencies) will be eligible to apply.

Section 716.600 Staffing Requirements, Qualifications, and Training

- a) There shall be a designated individual in the provider's agency who has the responsibility for the administration of the case management program.
- b) A CMT shall consist of:
 - 1) A full-time registered nurse (RN) and a full-time social worker, or
 - 2) A half-time registered nurse and one full-time and one half-time social worker.

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c) The qualifications shall be as follows:

- 1) The RN must be licensed pursuant to the Illinois Nursing Act (Ill. Rev. Stat. 1987, ch.111, pars. 3401 et seq.), and
- 2) The social worker must hold a minimum of a bachelor's degree in social work, social sciences or counseling. A Bachelor's of Social Work or a Master's of Social Work from an accredited school of social work is preferred.
- 3) The RN and the social worker shall preferably have a broad knowledge of community resources and networking, case management, and home care.
- d) The RN and the social worker shall preferably have had experience in working with:
 - 1) addictive/dysfunctional family systems;
 - 2) racial and/or ethnic minorities;
 - 3) homosexuals/bisexuals;
 - 4) PWA's; and,
 - 5) substance abusers (i.e., drug users).
- e) Each CMT will have not more than thirty (30) clients.
- f) Annually, each member of all CMT's will undergo a minimum of twelve (12) hours of in-service training which:

- 1) will be furnished by the provider; and
- 2) must be relevant to the provision of services to PWAs (e.g., infectious disease control procedures, sensitivity training, and updates on information relating to treatment procedures).

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Pay Plan
- 2) The Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers: Adopted Action:
 310. App. A, Table G Amended
 310. App. A, Table K Amended
 310. App. A, Table T Amended
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 127, par. 63b108a(2)
- 5) Effective Date of Amendment: June 11, 1990
- 6) Does this rulemaking contain an automatic repeal date? Yes X No
 If 'yes', please specify date:
- 7) Does this amendment contain incorporation by reference? No
 If 'yes', was a copy of the approval form issued by JCAR attached to this rulemaking?
 These amendments do not contain any incorporations by reference.
- 8) Date filed in Agency's Principal Office: June 11, 1990
- 9) Notice of Proposal Published in Illinois Register:
 January 12, 1990, Issue #2, 14 Ill. Reg. 427
- 10) Has JCAR issued a Statement of Objections to this rule? No
 If answer is 'yes', please complete the following:
 - A) Statement of Objection: _____, Ill. Reg. _____
 (Issue Date)
 - B) Agency Response: _____, Ill. Reg. _____
 (Issue Date)
 - C) Date Agency Response Submitted for Approval to JCAR?
- 11) Difference between proposal and final version:

In compliance with the Joint Committee on Administrative Rules, the salary of the Health Facilities Surveillance Nurse was corrected from \$2,393 - 3,257 to \$2,256 - 3,063.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

310. App. A, Table O Amended 14 Ill. Reg. (June, 1990)
310. App. A, Table P Amended 14 Ill. Reg. (June, 1990)

15) Summary and Purpose of Amendment:

These amendments to the Department of Central Management Services' Pay Plan reflect the July 1, 1989 to February 1, 1991 contract for the RC-045 (Automotive Mechanics, ISEA) Collective Bargaining Unit as set forth and illustrated in Table G.

In the RC-023 (Registered Nurses, I.N.A.) Collective Bargaining Unit, the titles of Nurse I and II were replaced with the titles of Registered Nurse I (\$1,929 - 2,601/mo.), Registered Nurse II (\$2,159 - 2,931/mo.), Corrections Nurse I (\$2,025 - 2,731/mo.) and Corrections Nurse II (\$2,267 - 3,078/mo.) in Table K.

Also reflected is the contract for HR-010 (Teachers of Deaf, IFT) Collective Bargaining Unit which provided for a 5% increase for the Academic Year 1989-1990 and a 5.5% for the Academic Year 1990-1991 in Table T.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Mr. Michael Murphy
Address: Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706

Telephone: (217) 782-5601

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace an emergency amendment currently in effect? No

14) Are there any amendments pending to this part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
310.110	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.130	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.290	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.300	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.450	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.456	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.530	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.540	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310. App. A, Table D	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310. App. A, Table E	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310. App. A, Table F	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310. Appendix B	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310. Appendix C	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310. Appendix D	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.230	Amended	14 Ill. Reg. 7675 (May 25, 1990)
310.280	Amended	14 Ill. Reg. 7675 (May 25, 1990)
310. App. A, Table A	Amended	14 Ill. Reg. 7675 (May 25, 1990)
310.290	Amended	14 Ill. Reg. (June, 1990)
310. App. A, Table I	Amended	14 Ill. Reg. (June, 1990)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND

POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310

PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes, Effective July 1, 1989
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Education Rate
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 1990
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A

TABLE A	Negotiated Rates of Pay
TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSOME)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, ISEA)
TABLE H	RC-006 (Corrections Employees, AFSOME)
TABLE I	RC-009 (Institutional Employees, AFSOME)
TABLE J	RC-014 (Clerical Employees, AFSOME)
TABLE K	RC-023 (Registered Nurses, IVA)
TABLE L	VR-004 (Illinois State Treasurer's Office Employees, Teamsters and IFT)
TABLE M	RC-027 (Educators, AFSOME) (Repealed)
TABLE N	RC-027 (Physician Rates, AFSOME) (Repealed)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSOME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, ISEA)
TABLE Q	RC-033 (Meat Inspectors, ISEA)
TABLE R	RC-042 (Residual Maintenance Workers, AFSOME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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NOTICE OF ADOPTED AMENDMENTS

TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)
TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly and Annual Rates of Pay for Fiscal Year 1990
APPENDIX C	Physician Administrator Rates and Medical Facilities Administrator Rates for Fiscal Year 1990
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1990
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)

AUTHORITY: Implementing and authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1987, ch. 127, par. 63b108a(2)).

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 13675,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19921, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990

Section 310.APPENDIX A Negotiated Rates of Pay
TABLE G RC-045 (Automotive Mechanics, ISEA)

A) Departments of Central Management Services and Transportation - Northeast Region - (Cook)

	Oct.-1,-1986	July-1,-1987	July-1,-1988
Auto & Body Repairer	\$2193	\$2293	\$2403
Automotive Attendant	1244	1284	1324
Automotive Mechanic	2193	2293	2403
Automotive Mechanic's Helper	2017	2117	2227
Automotive Parts Warehouse I	2050	2150	2260
Automotive Parts Warehouse II	2095	2195	2305
Storekeeper I	2050	2150	2260
Storekeeper II	2095	2195	2305

	July 1, 1989	July 1, 1990
Auto & Body Repairer	\$2498	\$2609
Automotive Attendant	1377	1439
Automotive Mechanic	2498	2609
Automotive Mechanic's Helper	2313	2414
Automotive Parts Warehouse I	2347	2448
Automotive Parts Warehouse II	2396	2503
Storekeeper I	2350	2456
Storekeeper II	2397	2505

* Serving as Automotive Parts Warehouse in Cook County.

B) Departments of Agriculture, Central Management Services, Conservation, Corrections and Transportation - (All other Counties except Cook)

	Oct.-1,-1986	Feb.-1,-1987	July-1,-1987
Auto & Body Repairer	\$2040	\$2065	\$2165
Automotive Attendant	1244	1244	1284
Automotive Mechanic	2040	2065	2165
Automotive Mechanic's Helper	1775	1800	1900
Automotive Parts Warehouse I	1780	1805	1905
Automotive Parts Warehouse II	1966	1991	2091
Automotive Parts Warehouse III	2043	2043	2168
Small Engine Mechanic	1775	1775	1875

	Febr.-1,-1988	July-1,-1988	Febr.-1,-1989
Auto & Body Repairer	\$2190	\$2300	\$2325

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF ADOPTED AMENDMENTS

Automotive Attendant	1284	1324	1324
Automotive Mechanic	2190	2300	2325
Automotive Mechanic's Helper	1925	2035	2060
Automotive Parts Warehouse I	1930	2040	2065
Automotive Parts Warehouse II	2116	2226	2251
Automotive Parts Warehouse III	2168	2303	2303
Small Engine Mechanic	1875	1985	1985

	July 1, 1989	Feb. 1, 1990
Auto & Body Repairer	\$2420	\$2445
Automotive Attendant	1377	1377
Automotive Mechanic	2420	2445
Automotive Mechanic's Helper	2146	2171
Automotive Parts Warehouse I	2152	2177
Automotive Parts Warehouse II	2342	2367
Automotive Parts Warehouse III	2395	2420
Small Engine Mechanic	2064	2089

	July 1, 1990	Feb. 1, 1991
Auto & Body Repairer	\$2556	\$2581
Automotive Attendant	1439	1439
Automotive Mechanic	2556	2581
Automotive Mechanic's Helper	2272	2297
Automotive Parts Warehouse I	2278	2303
Automotive Parts Warehouse II	2474	2499
Automotive Parts Warehouse III	2529	2554
Small Engine Mechanic	2183	2208

(Source: Amended at 14 Ill. Reg. 10002, effective June 11, 1990)

Section 310.APPENDIX A Negotiated Rates of Pay
TABLE K RC-023 (Registered Nurses, I.N.A.)

	Effective: July 1, 1989						
	1	2	3	4	5	6	7
Child Welfare Nurse Specialist	2159	2280	2401	2513	2634	2754	2931
Health Facilities Surveillance	2159	2280	2401	2513	2634	2754	2931
Nurse I	1929	2031	2136	2238	2341	2444	2601
Nurse II	2159	2280	2401	2513	2634	2754	2931
Nursing Education Assistant	2290	2425	2549	2680	2805	2932	3117
Coordinator							

ILLINOIS REGISTER

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Effective: November 16, 1989

	S T E P S						
	1	2	3	4	5	6	7
Corrections Nurse I	2025	2133	2243	2350	2494	2566	2731
Corrections Nurse II	2267	2394	2521	2639	2766	2892	3078
Registered Nurse I	1929	2031	2136	2238	2341	2444	2601
Registered Nurse II	2159	2280	2401	2513	2634	2754	2931

Effective: July 1, 1990

	S T E P S						
	1	2	3	4	5	6	7
Child Welfare Nurse Specialist	2256	2383	2509	2626	2753	2878	3063
Corrections Nurse I	2116	2229	2344	2456	2606	2681	2854
Corrections Nurse II	2369	2502	2634	2758	2890	3022	3217
Health Facilities Surveillance	2256	2383	2509	2626	2753	2878	3063
Nurse	2016	2122	2232	2339	2446	2554	2718
Nurse-i	2256	2383	2509	2626	2753	2878	3063
Nurse-ii	2256	2383	2509	2626	2753	2878	3063
Nursing Education Assistant	2393	2534	2664	2801	2931	3064	3257
Coordinator	2016	2122	2232	2339	2446	2554	2718
Registered Nurse I	2256	2383	2509	2626	2753	2878	3063
Registered Nurse II	2256	2383	2509	2626	2753	2878	3063

(Source: Amended at 14 Ill. Reg. 10002, effective June 11, 1990.)

Section 310. APPENDIX A Negotiated Rates of Pay
TABLE T HR-010 (Teachers of Deaf, IFT)

ACADPHG-YEAR-1986-1987
Effective-September-1, 1986

Step	VALID APPROPRIATE TEACHING CERTIFICATE AND						
	Lane 1	Lane 2	Lane 3	Lane 4	Lane 5	Lane 6	Lane 7
B.A.	1	2	3	4	5	6	7
B.A. +							
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

	6	23,046	23,830	24,584	25,360	26,106	26,624	27,294	
7	25,003	25,830	26,678	27,549	28,375	28,930	29,645		
ACADEMIC YEAR 1990-1991 Effective September 1, 1990									
1	18,852	19,472	20,013	20,577	21,203	21,710	22,370		
2	19,947	20,560	21,195	21,812	22,447	22,962	23,627		
3	21,025	21,695	22,385	23,046	23,707	24,231	24,909		
4	22,098	22,825	23,558	24,276	24,994	25,527	26,215		
5	23,233	24,001	24,689	25,532	26,297	26,837	27,534		
6	24,314	25,141	25,936	26,755	27,542	28,088	28,795		
7	26,378	27,251	28,145	29,064	29,936	30,521	31,275		
(Source: Amended at 14 Ill. Reg. 10002, effective June 11, 1990)									

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: The Travel Regulation Council
- 2) Code Citation: 80 Ill. Adm. Code 3000
- 3) Section Number: Adopted Action:
3000.Appendix A Amend
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 127, par. 148-2(b)
- 5) Effective Date of Amendment(s): July 1, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: July 1, 1990
- 9) Notice of Proposal Published in Illinois Register:
January 26, 1990, 14 Ill. Reg. 1548
- 10) Has JCAR issued a Statement of Objections to these rules? No.
- 11) Differences between proposal and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.
- 13) Will this amendment replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendment: The Travel Regulation Council voted to increase lodging and per diem, effective July 1, 1990. This rulemaking is being filed to accomplish this change.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Greeley Koch
Department of Central Management Services
505 Stratton Building
Springfield, Illinois 62706
217-785-0707

The full text of the Adopted Amendments begin on the next page.

TRAVEL REGULATION COUNCIL

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE I: GENERAL TRAVEL CONTROL
CHAPTER IV: TRAVEL REGULATION COUNCIL

PART 3000

THE TRAVEL REGULATION COUNCIL

SUBPART A: GENERAL

Section
3000.100
3000.110
3000.120
3000.130
3000.140

Authority
Philosophy
Policy
Scope and Interpretation
Definitions

SUBPART B: TRAVEL CONTROL SYSTEM

Section
3000.200
3000.210
3000.220
3000.230

Travel Control System
Designation of Headquarters
Expenses at Headquarters or Residence
Preparation and Submission of Vouchers or Travel Expenses

SUBPART C: TRANSPORTATION

Section
3000.300
3000.310

Modes of Transportation
Routing

SUBPART D: LODGING

Section
3000.400
3000.410
3000.420
3000.430

Lodging Allowances
Least Costly Lodging
Conference Lodging
Employee Owned or Controlled Housing

SUBPART E: PER DIEM-MEALS

Section
3000.500
3000.510

Per Diem Allowance
Meal Allowance

SUBPART F: MISCELLANEOUS RULES

Section
3000.600
3000.610

Reimbursable and Non-Reimbursable Expenses
Expenses Related to Transportation

TRAVEL REGULATION COUNCIL

NOTICE OF ADOPTED AMENDMENTS

3000.620 Receipts Required
3000.630 Meals for Other Persons

SUBPART G: EXCEPTIONS

Section
3000.700
3000.710
3000.720

Exceptions to the Rules
Board-Agency Rules
Non-Required Travel

Appendix A Reimbursement Schedule

AUTHORITY: Implementing and authorized by Sections 12-1, 12-2 and 12-3 of "AN ACT in relation to State finance" (Ill. Rev. Stat. 1989, ch. 127, pars. 148-1, 148-2 and 148-3).

SOURCE: Emergency rules adopted at 10 Ill. Reg. 12697, effective July 2, 1986, for a maximum for 150 days; adopted at 10 Ill. Reg. 18188, effective January 1, 1987; peremptory amendment at 11 Ill. Reg. 14854, effective August 25, 1987; amended at 12 Ill. Reg. 11626, effective July 1, 1988; amended at 14 Ill. Reg. 10014, effective July 1, 1990.

Section 3000. Appendix A Reimbursement Schedule

The following rates are effective for the Travel Control Boards. The rates will be reviewed annually to determine necessary adjustments.

Type of Reimbursement Rate

Mileage

Auto

Plane

See Section 3000.300(f)(2)

40e

Per Diem-Meals

Breakfast

Lunch

Dinner

Per Diem

\$4.00 \$4.50
\$4.00 \$4.50
\$14.00 \$15.00
\$22.00 \$24.00

Lodging

Downstate

Chicago Metro (Cook, DuPage,

\$40.00 \$50.00
\$60.00 \$60.00

TRAVEL REGULATION COUNCIL

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Kane, Lake, McHenry, Will Counties)

Out-of-State

Out-of-Country

\$90.00

Actual Reasonable

(Source: Amended at 14 Ill. Reg. 10014, effective July 1, 1990)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities.
- 2) Code Citation: 83 Ill. Adm. Code 590
- 3) Section Numbers: Adopted Action:
590.10 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 553).
- 5) Effective Date of Amendment: June 15, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? Yes, approval form not necessary.
- 8) Date Filed in Agency's Principal Office: May 31, 1990
- 9) Notice of Proposal Published in Illinois Register:
December 15, 1989 at 13 Ill. Reg. 19344.
- 10) Has JCAR issued a Statement of Objections to this amendment?
No.
- 11) Difference(s) between proposal and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes required.
- 13) Will this amendment replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendment: Part 590 currently incorporates by reference 49 CFR 192 and 193 as the Commission's safety standards for transportation of gas and for gas

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NOTICE OF ADOPTED AMENDMENT

pipeline facilities. Section 3 of the Illinois Gas Pipeline Safety Act ("Act") requires the Commission's rules to be as inclusive and as stringent as the Federal safety standards and compatible with the Federal safety standards.

The United States Department of Transportation (USDOT) has recently completed rulemaking activity which necessitates amendment of the Commission's rules. USDOT has amended 49 CFR 191.23 concerning reporting safety-related conditions by pipelines and has adopted 49 CFR 199, concerning drug testing by owners or operators of pipeline facilities that are subject to 49 CFR 192, 193, or 195. In order to comply with Section 3 of the Act, it is necessary to include 49 CFR 191.23 and 49 CFR 199 in the Commission's standards. See 53 FR 24949 and 53 FR 47084 and 54 FR 14922 for Federal rules amendments.

- 16) Information and questions regarding this adopted shall be directed to:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217)785-8439

The full text of the Adopted Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIES

PART 590

MINIMUM SAFETY STANDARDS FOR TRANSPORTATION OF GAS AND FOR
GAS PIPELINE FACILITIES

Section
590.10 Standards

AUTHORITY: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 553).

SOURCE: Filed effective November 28, 1977; amended at 3 Ill. Reg. 5, p. 761, effective February 3, 1979; amended at 3 Ill. Reg. 11, p. 25, effective March 17, 1979; amended at 4 Ill. Reg. 1, p. 23, effective January 1, 1980; amended at 5 Ill. Reg. 6778, effective June 16, 1981; rules repealed, new rules adopted and codified at 7 Ill. Reg. 12858, effective September 16, 1983; amended at 8 Ill. Reg. 13195, effective July 16, 1984; amended at 10 Ill. Reg. 19405, effective November 15, 1986; amended at 11 Ill. Reg. 11733, effective July 1, 1987; amended at 12 Ill. Reg. 11707, effective July 15, 1988; recodified from 92 Ill. Adm. Code 1800 at 12 Ill. Reg. 12997; amended at 13 Ill. Reg. 16968, effective November 1, 1989; amended at 14 Ill. Reg. 10018, effective June 15, 1990.

Section 590.10 Standards

- a) The Illinois Commerce Commission adopts the standards contained in 49 CFR 191.23, 192, and 193 and 199 as of January 1, 1989, as its minimum safety standards for the transportation of gas and for gas pipeline facilities.
- b) No later amendment or editions are incorporated by this Part.

(Source: Amended at 14 Ill. Reg. 10018, effective June 15, 1990)

ILLINOIS COMMERCE COMMISSION

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: Uniform System of Accounts for Telecommunications Carriers
- 2) Code Citation: 83 Ill. Adm. Code 710
- 3) Section Numbers: Adopted Action:
710.1 Amendment
- 4) Statutory Authority: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 5-102, 5-103, and 10-101).

- 16) Information and questions regarding this adopted amendment shall be directed to:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217)785-8439

The full text of the Adopted Amendment begins on the next page:

- 5) Effective Date of Amendment: June 15, 1990

- 6) Does this rulemaking contain an automatic repeal date? No.

- 7) Does this amendment contain incorporations by reference? Yes, approval form not necessary.

- 8) Date Filed in Agency's Principal Office: May 31, 1990

- 9) Notice of Proposal Published in Illinois Register:

January 26, 1990, at 14 Ill. Reg. 1552.

- 10) Has JCAR issued a Statement of Objections to this amendment?
No.

- 11) Difference(s) between proposal and final version: None.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes required.

- 13) Will this amendment replace an emergency amendment currently in effect? No.

- 14) Are there any amendments pending on this Part? No.

- 15) Summary and Purpose of Amendment: This proposed amendment will update the incorporation by reference of Federal rules to include a recent amendment by the Federal Communications Commission concerning the recording of judgments and settlement payments and litigation expenses. See 54 FR 22756 for Federal amendment.

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NOTICE OF ADOPTED AMENDMENT

710.4100	Account 4100 Net current deferred operating income taxes
710.4110	Account 4110 Net current deferred nonoperating income taxes
710.4340	Account 4340 Net noncurrent deferred operating income taxes
710.4350	Account 4350 Net noncurrent deferred nonoperating income taxes
710.4999	General Revenue Accounts
710.5082	Account 5082 Switched access revenue
710.5083	Account 5083 Special access revenue
710.5999	General - Expense Accounts
710.7250	Account 7250 Provision for deferred operating income taxes - net
710.7450	Account 7450 Provision for deferred nonoperating income taxes - net
710.9000	Glossary of Terms

AUTHORITY: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 5-102, 5-103, and 10-101).

SOURCE: Adopted April 15, 1974; amended at 2 Ill. Reg. 52, p. 473, effective January 1, 1979; codified at 7 Ill. Reg. 15949; amended at 7 Ill. Reg. 15972, effective November 18, 1983; emergency amendment at 8 Ill. Reg. 7636, effective May 17, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21231, effective October 15, 1984; amended at 9 Ill. Reg. 4029, effective April 1, 1985; amended at 9 Ill. Reg. 9453, effective June 10, 1985; amended at 9 Ill. Reg. 18912, effective November 20, 1985; amended at 10 Ill. Reg. 161, effective December 23, 1985; emergency amendment at 10 Ill. Reg. 775, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10526, effective May 30, 1986; amended at 11 Ill. Reg. 9035, effective May 1, 1987; emergency repealer and emergency rules adopted at 12 Ill. Reg. 1295, effective January 1, 1988, for a maximum of 150 days; Part repealed, new Part adopted at 12 Ill. Reg. 9645, effective May 25, 1988; amended at 13 Ill. Reg. 7570, effective May 15, 1989; amended at 13 Ill. Reg. 16971, effective November 1, 1989; amended at 14 Ill. Reg. 10021, effective June 15, 1990.

Section 710.1 Adoption of 47 CFR 32 by Reference

The Illinois Commerce Commission ("Commission") adopts 47 CFR 32, as of ~~May 22, 1989~~ January 1, 1990, as its uniform system of accounts for telecommunications carriers, subject to the exceptions

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set forth in this Part. No incorporation in this Part includes any later amendment of edition.

(Source: Amended at 14 Ill. Reg. 10021, effective June 15, 1990)

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ENFORCEMENT OFFICERS TRAINING BOARD

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ENFORCEMENT OFFICERS TRAINING BOARD

NOTICE OF ADOPTED RULES

NOTICE OF ADOPTED RULES

1) Heading of Part: CORONERS BASIC TRAINING

2) Code Citation: 20 Ill. Adm. Code 1760

3) Section Numbers: Adopted Action:

1760.101	New Section
1760.102	New Section
1760.103	New Section
1760.104	New Section
1760.201	New Section
1760.202	New Section
1760.203	New Section
1760.204	New Section
1760.205	New Section
1760.206	New Section
1760.207	New Section

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 85, par. 509

5) Effective Date of Rules: June 11, 1990

6) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐

7) Does this rule contain incorporations by reference? Yes ☒ No ☐

8) Date Filed in Agency's Principal Office: January 10, 1990

9) Notice of Proposal Published in Register: September 8, 1989
(13 Ill. Reg. 13997)

10) Has JCAR Issued a Statement of Objections to this (these) Rules? No ☐ Yes ☒

11) Differences between the proposed rules and the final version are: The following clarifying changes have been made to this rulemaking:

Sec. 1760.102

The definition of "Roster" has been changed to reflect that the coroners must complete the requirements of a course approved by the "Illinois Local Governmental Law Enforcement Officers Training Board", inserted for "Board", with "(Board or Police Training Board) behind the above designation.

Sec. 1760.201

Section 1760.201(b) has been modified to specify the 40 hours of training shall consist of "40 hours of training for 5 consecutive days. Stricken is the language "of a concentrated study which is continuous and full time."

Sec. 1760.201(c) has been changed to state that the coroners basic training course "shall be offered at a Board certified academy or a Board designated mobil team training facility and" shall cover the prescribed subject ... In addition, the word "approved" has been stricken in the first sentence of this section so that the section reads "...with the instructional time as specified in the curriculum and instructors guides approved by the Police Training Board."

Sec. 1760.202.

The adopted rules have added language to clarify that "trainees are required to maintain a classroom notebook." This sentence is inserted behind the first sentence of this section.

Sec. 1760.203.

Sec. 1760.203(b) has been modified to add an "a" between "maintain" and "complete". Added is the language "record in the form of a roster" on each trainee ... "Records" was stricken. In addition, Sec. 1760.203(b) has been modified to strike "s" on "records" and the designated director shall submit such "record" to the Executive Director of the Police Training Board for filing.

Sec. 1760.203(d) has been modified to strike portions of the final sentence. "Reasonable" at the beginning of the sentence has been deleted. The sentence now reads, "Fees shall be approved by the Police Training Board as reasonable based upon a showing that the fees represent the actual cost of the training.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes ☐ No ☒

13) Will the proposed rule replace an emergency rule currently in effect? No ☐ Yes ☒

14) Are there any other rules pending on this Part? No ☐ Yes ☒

15) Summary and purpose of rules: 20 Ill. Adm. Code 1760

The purpose of these rules is to provide adequate standards for Illinois coroners and allow them to complete the mandated training course pursuant to the enactment of legislation requiring all Illinois coroners to have basic training established by the Illinois Police Training Board. These rules will provide coroners with direction as to how to obtain said training and how to receive certification for said training.

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16) Information and answers to questions regarding this adopted rule shall be directed to:

Mr. Terrance Tranquilli, Deputy Director
Illinois Local Governmental Law Enforcement Officers Training Board
Lincoln Tower Plaza, Suite 400
524 South Second
Springfield, IL 62706
Telephone: 217/782-4540

The full text of the Proposed Rules begin on the next page:

ILLINOIS LOCAL GOVERNMENTAL LAW
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NOTICE OF ADOPTED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER V: ILLINOIS LOCAL GOVERNMENTAL LAW
ENFORCEMENT OFFICERS TRAINING BOARD

PART 1760

CORONERS BASIC TRAINING

SUBPART A: GENERAL PROVISIONS

Section	Purpose and Scope
1760.101	Definitions
1760.102	Confidentiality of Information
1760.103	Veracity of Information

SUBPART B: CORONER TRAINING

Section	Purpose and Scope
1760.201	Course Requirements
1760.202	Minimum Requirements of the Trainee
1760.203	Course Standards and Requirements
1760.204	Qualifications of Police Instructors
1760.205	Notification of Commission
1760.206	Successful Completion
1760.207	Board Reporting to County Board

AUTHORITY: Implementing Section 1 of "AN ACT to revise the law in relation to coroners" (Ill. Rev. Stat., 1987, ch. 31, par. 1) and authorized by Section 10 of the Illinois Police Training Act (Ill. Rev. Stat. 1987, ch. 85, pars. 510)

SOURCE: Adopted at 14 Ill. Reg. 10027, effective June 11, 1990.

SUBPART A: GENERAL PROVISIONS

Section 1760.101 Purpose and Scope

Unless otherwise indicated, the regulations set forth in this Part provide the general requirements and procedures which are applicable to all coroners.

Section 1760.102 Definitions

The following terms are defined for purposes of this Part:

"Roster" means the form listing the names of all coroners completing the requirements of a course approved by the Illinois Local Governmental Law Enforcement Officers Training Board (Board or Police Training Board) under this Part, including, but not limited to, the

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ENFORCEMENT OFFICERS TRAINING BOARD

NOTICE OF ADOPTED RULES

coroner's date of appointment, his name, address, county, employment status, the name of the course and date of completion.

"Trainee" means the coroner who has enrolled to take a certified Board coroners basic training course and who is attending said training course at a Board approved facility prior to the completion of the course pursuant to this Part.

Section 1760.103 Confidentiality of Information

a) Claims of confidentiality must be asserted at the time of submission in a manner prescribed by the Board, or in case of other submissions, by stamping the words "Confidential Business Information" on each page containing such information. If no claim is made at the time of the submission, the Board may make the information available to the public without further notice. If a claim is asserted, the claims will be granted or denied in accordance with Board procedures.

b) Claims of confidentiality for the following information will be denied:

- 1) Name and address of any financial assistance applicant;
- 2) Financial data submitted to the Board in order to receive funding.

Section 1760.104 Veracity of Information

No person shall make any false or misleading statement, representation or certification of any record, or any other document filed with the Board of required by the Board.

SUBPART B: CORONER TRAINING

Section 1760.201 Course Requirements

- a) The Board, annually, shall set the minimum number of hours which contain the prescribed subjects for the minimum standard coroners training course. An hour of instruction is defined as being 50 minutes of actual instruction, plus a 10-minute recess.
- b) The minimum standard coroners basic training course shall consist of 40 hours of training for 5 consecutive days.
- c) The minimum standard coroners basic training course, shall be offered at a Board certified academy or a Board designated mobile team training facility and shall cover the prescribed subjects with the instructional time as specified and the curriculum and instructors guides approved by the Police Training Board. Said prescribed subjects shall include, but not be limited to, training in death scene investigation/rules of evidence, toxicology, crime laboratory services, pathology, forensic anthropology investigation, forensic odontology, vehicular deaths, budget preparation, case preparation and

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NOTICE OF ADOPTED RULES

courtroom demeanor, and coroners inquest.

Section 1760.202 Minimum Requirements of the Trainee

a) Regular attendance at all sessions is required. Excused absences may be granted by the designated director or coordinator of the minimum standards coroners basic training course under certain limited circumstances beyond the trainee's control, which may include, but not be limited to, a death in a family, illness, response to a court subpoena, disability, emergency death call, or a transportation breakdown. In order to successfully complete the course, absences must not exceed 10% of the total hours of instruction for the prescribed minimum standards coroners basic training course.

b) Maintenance of an Adequate Classroom Notebook. Trainees are required to maintain a classroom notebook. The factors to be considered in rating the notebook are neatness, legibility, accuracy and sufficiency of content. "Adequate", for purposes of this subsection, refers to:

- 1) Neatness. Requires concise organization of the notes. All notes and handouts will be placed in the book or received during the course. Dividers into topics are required; and
- 2) Legibility. The trainee must put down notes in brief, clear, complete sentences, underlining the important items; and
- 3) Accuracy. The notes taken in class must precisely reflect the content of the class; and
- 4) Sufficiency of content. The trainee shall put down in a notebook in the trainee's own words the information. The trainee should strive to achieve condensation of the material clearly and concisely.

c) The trainee shall be quizzed at the end of every day of instruction. An overall pass over failure consistency is required at the end of the full course of training.

d) The designated director or coordinator shall establish standards of conduct for the trainee while enrolled in the course. This shall include demeanor, deportment and compliance with the disciplines and regulations at the course or at the location where the course is received. Receipt of certification of the successful completion of the course from the designated director or coordinator shall be deemed proof that the trainee has complied with the requirements of this subsection.

Section 1760.203 Course Standards and Requirements

a) The designated director or coordinator shall assume responsibility of the overall supervision of the course, including the preparation and grading of examination, rating of classroom notebooks, arranging for qualified instructors, providing, if necessary, for food or lodging for trainees where appropriate, arranging for adequate training facilities such as classrooms, props, and the conduct and discipline

ILLINOIS LOCAL GOVERNMENTAL LAW
ENFORCEMENT OFFICERS TRAINING BOARD

NOTICE OF ADOPTED RULES

of the trainees.

- b) The designated director or coordinator shall maintain a complete record in the form of a roster on each trainee and, at the conclusion of the course, shall submit such record to the Executive Director of the Police Training Board for filing in such form as the Board may require.
- c) The designated director or coordinator shall make final determination as to whether a trainee has successfully passed all reasonable standards and requirements of a particular course of training.
- d) The designated director or coordinator shall have the responsibility of fixing reasonable fees to be charged for any training courses, including tuition and room and board where applicable. Fees shall be approved by the Police Training Board as reasonable based upon a showing that the fees represent the actual cost of the training.

Section 1760.204 Qualifications of Police Instructors

- a) The Police Training Board shall certify instructors for purposes of providing training to trainees under this Part. The Police Training Board shall examine the educational background and/or experience to determine whether the instructor has sufficient experience and education to meet the instructional demands that will be made of him. The instructor shall be a person of personal integrity and have a sincere interest and desire to impart his knowledge and experience to the trainees.
- b) The Executive Director shall decide whether a particular instructor meets the qualifications set forth above. This decision shall be based on investigation of the credentials of the particular instructor.

Section 1760.205 Notification of Commission

Prior to entry into a minimum standards coroners basic training course, it shall be the responsibility of the trainee to provide the Police Training Board with proof of notification of commission by the Governor indicating the coroner has been appointed as coroner and is eligible to receive the minimum standards coroners basic training course. Notification shall be in writing to the Police Training Board and must be received by the Police Training Board within fourteen (14) days prior to the implementation of the minimum standards coroners basic training course.

Section 1760.206 Successful Completion

Upon the successful completion of the minimum standards coroners basic training course, the designated director or coordinator shall notify in writing the Executive Director of the Police Training Board. After receiving notice of the successful completion by the trainee, the Executive Director shall certify the successful completion of the minimum standards coroners basic training course.

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ENFORCEMENT OFFICERS TRAINING BOARD

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Section 1760.207 Board Reporting to County Board

Within thirty (30) days of receiving notice of the successful or unsuccessful completion of the minimum standards coroners basic training course from the designated director or coordinator, the Executive Director of the Board shall forward to the trainee and the chairman of the local county board notification that the coroner has successfully or unsuccessfully completed the minimum standards coroners basic training course.

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: The Illinois Nursing Act of 1987

2) Code Citation: 68 Ill. Adm. Code 1300

3) Section Numbers: Adopted Action:

1300.10	New Section
1300.20	Amending
1300.25	Amending
1300.30	Amending
1300.40	Amending
1300.41	Amending
1300.42	Amending
1300.45	Amending
1300.48	Amending
1300.60	New Section
1300.70	New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111, pars. 3504, 3510, 3512, 3513, 3515, 3517, 3525

5) Effective Date of Amendments: June 12, 1990

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 6, 1990

9) Date Notice of Proposal Published in Illinois Register: September 15, 1989, at 13 Ill. Reg. 14236

10) Has ICAR issued a Statement of Objections to these amendments? No

11) Difference(s) between proposal and final version:

In Section 1300.20 a new subsection (d) has been added as follows:

"d) The work permit shall expire upon:

- 1) failure of the examination;
- 2) violation of the Act or this Part; or
- 3) failure to apply for licensure within one year after passing the examination"

In Section 1300.25(b)(3), after "successful completion of approved nursing program"--"as set forth in Section 1300.40(f)(9)" was added and in (c)(3) after "recompleted the entire approved nursing education program"--"as set forth in Section 1300.40(f)(10)" was added.

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF ADOPTED AMENDMENTS

In Section 1300.30(a)(1)(C), "i.e., National Council Licensure Examination for professional nurses or practical nurses or State Board Test Pool Examination for professional nurses or practical nurses" was added after "Committee".

In Section 1300.40 the following changes were made: In subsection (b)(3)(C) and (E), "in accordance with 68 Ill. Adm. Code 1110" was added. Subsection (f)(6)(C) was modified to read as follows: "Clinical content must be coordinated with theoretical content." In subsection (f)(6)(D) "as set forth in subsection (g)" was added at the end of this subsection.

In Section 1300.41, the following change was made: "(i.e., course work, staff development, nursing faculty of an approved nursing program)" was added at the end of subsection (b)(2)(B)

Numerous typographical and technical changes were made.

12) Have all the changes agreed upon by the Agency and ICAR been made as indicated in the agreement letter issued by ICAR? Yes

13) Will these Amendments replace an Emergency Amendment currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking sets forth standards for a Nursing Student Internship/Cooperative Education Course and standards of nursing practice. Task, professional responsibility, supervision, direct supervision, delegation and direction have been defined. Application procedures for licensure have been modified, as well as criteria for approved nursing education programs.

16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0800

The full text of the Adopted Amendments begins on the next page.

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1300
THE ILLINOIS NURSING ACT OF 1987

Section	
1300.10	Definitions
1300.20	Application for Examination
1300.25	The Licensure Examination
1300.27	Application for Licensure on the Basis of Examination
1300.30	Licensure by Endorsement
1300.40	Approval of Nursing Education Programs
1300.41	Approval of Current Nursing Practice Update Course Refresher Courses
1300.42	Standards of Professional Conduct for Registered Professional Nurses
1300.43	Standards of Professional Conduct for Licensed Practical Nurses
1300.44	Standards for Pharmacology/Administration of Medication Course for Practical Nurses
1300.45	Renewals
1300.48	Restoration
1300.50	Granting Variances
1300.60	Practice of Nursing
1300.70	Fines

AUTHORITY: Implementing The Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 3501 et seq.) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 60(7)).

SOURCE: Adopted at 4 Ill. Reg. 4, p. 290, effective January 14, 1980; amended at 5 Ill. Reg. 801, effective January 7, 1981; codified at 5 Ill. Reg. 11044; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 10023, effective August 1, 1982; amended at 9 Ill. Reg. 6297, effective April 24, 1985; amended at 9 Ill. Reg. 13355, effective August 21, 1985; amended at 11 Ill. Reg. 18251, effective October 27, 1987; transferred from Chapter I. 68 Ill. Adm. Code 300 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1300 (Department of Professional Regulation) Pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2938; amended at 12 Ill. Reg. 12088, effective July 12, 1988; amended at 14 Ill. Reg. 10035, effective June 12, 1990

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF ADOPTED AMENDMENTS

Section 1300.10 Definitions

The following definitions shall apply to this Part:

- a) "Task" means work not requiring professional knowledge, judgment and/or decision making;
- b) "Professional Responsibility" includes making decisions and judgments requiring use of nursing knowledge acquired by completion of an approved program for licensure as a practical or professional nurse;
- c) "Supervision" means monitoring and providing guidance in which the supervisor maintains accountability for tasks and/or professional responsibilities delegated to another;
- d) "Direct Supervision" means being in close physical proximity within the facility to provide initial direction, procedural guidance, and evaluation of tasks and professional responsibilities delegated to another;
- e) "Delegation" means assignment of tasks as defined in subsection (a) above and/or professional responsibilities as defined in subsection (b) above to another in which the supervisor holds the other individual responsible and accountable for performance while maintaining accountability for the assigned tasks and professional responsibilities;
- f) "Direction" means to give authoritative instruction to another regarding tasks and/or professional responsibilities; and
- g) "Act" means The Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 3501 et seq.)

(Source: Added at 14 Ill. Reg. 10035 effective June 12, 1990)

Section 1300.20 Application for Examination

- a) Each applicant shall file, with the testing service designated by the Department of Professional Regulation (the "Department"), a completed, signed ~~notarized~~ application, on forms supplied by the Department, at least 60 calendar days prior to the examination date. The application shall include:

1) ~~proof that the applicant is 18 years of age;~~

2) ~~proof that the applicant has graduated from a high school which meets the standards established by the State Board of Education under the School Code (Ill. Rev. Stat. 1985, ch. 122, par. 1-1, et seq.) or has passed the General Education Development Examination or its equivalent;~~

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- 2) signature of the applicant;
- 4 1) proof of graduation from a nursing education program which meets the requirements of Section 1300.40 of this Part;
- 5 2) signature of the Director of the nursing education program, or other person designated by the Director of the nursing education program;
- 3) a complete work history since graduation from a practical nurse education program or a professional nurse education program whichever came first;
- 6 4) the required examination fee.;
- 7 5) proof of passage of the Commission on Graduates of Foreign Nursing Schools (CGFNS) Examination is required of all persons applying after January 1, 1984, who completed a nursing education program in a country other than the United States or its territories.
- 6) proof of passage of the Test of English as a Foreign Language (TOEFL) with a score of 550 is required of those applicants who submit proof of denial of eligibility to sit for the CGFNS examination and who are licensed in a country other than the United States or its territories and determined educationally prepared in nursing.
- 8 7) for a practical nurse applicant who has received his practical nursing education in the military service, official transcripts of theory and clinical education prepared by an official of the military. This education must meet the standards set forth in Section 1300.40.
- b) When the applicant has completed the nursing education program in less than the usual length of time through advanced standing or transfer of credits from one institution to another, the Director of nursing education shall include an explanation in the certification.
- c) It shall be the responsibility of the Director of the nursing education program:
- 1) to notify the Department prior to the examination if any applicant fails to complete the program or meet the requirements for graduation as scheduled, and
- 2) to submit a work permit request to the Department, or its designated testing service, for an applicant who has completed an approved nursing education program. If the applicant has been determined eligible for licensure except for passing of the examination, the applicant

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- shall be issued a permit which allows them to practice under direct supervision in accordance with Section 4 of the Act. The applicant shall not begin practice as a nurse, license pending, until notice is received from the Department.
- d) The permit shall be terminated upon:
- 1) failure of the examination;
- 2) violation of the Act or this Part; or
- 3) failure to apply for licensure within one year after passing the examination.
- e) Credentials of education and licensure, if not in English, shall be accompanied by a certified translation.
- f) After filing the original application, any change of name must be supported by an affidavit satisfactory to the Department.
- g) Any applicant who cannot demonstrate fulfillment of the education requirements shall be notified in writing and must satisfy the deficiency before being granted temporary authority to practice nursing, as permitted under Section 2-(5) 4(g) or of Section 3 4(i) of the Illinois Nursing Act (Ill. Rev. Stat., 1985, ch. 111, par. 3402-et seq.) ("the Act") or being admitted to the examination. Deficiencies in nursing theory and/or clinical practice may be removed by taking the required course(s) in an approved nursing education program.
- g) ~~For the purpose of practice pursuant to the provisions of Section 2 (5) of the Act, direct supervision means being in close physical proximity within the facility to provide initial direction, procedural guidance, and evaluation of nursing care provided.~~
- (Source: Amended at 14 Ill. Reg. 10035 effective June 12, 1990)
- Section 1300.25 The Licensure Examination
- a) ~~Approval of the Examination:~~ The Committee on Nursing (the "Committee") shall make recommendations to the Department regarding content, and design of the licensure examination, and shall recommend acceptance of a contractor for a licensure examination. A licensure examination contract shall be negotiated and approved by the Department of Professional Regulation.
- b) Registered Professional Nurse Examination

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- 1) The passing grade on the National Council Licensure Examination (NCLEX) for registered professional nurses shall be a scaled score of 1600 based on an ability scale designed to measure minimum professional nurse competency. A pass/fail grade will be assigned.
- 2) A registered professional nurse applicant who fails the examination is not eligible for licensure. If such applicant has been practicing professional nursing under Section 2, par. 5 4(l) of the Illinois Nursing Act, such applicant shall discontinue such practice a scaled score of no less than 1600 is achieved until a passing grade is achieved on the examination and a license has been received from the Department.

- 3) If the examination is not passed within three years from the date of the first examination taken, regardless of jurisdiction in which the examination was written, the applicant shall not be permitted to retake the examination until such time as the applicant has successfully recompleted the entire approved nursing education program as set forth in Section 1300.40(h)(9). Upon successful completion of the approved nursing education program, the applicant shall submit proof to the Department. If three years from the date of original application has lapsed, the applicant shall be required to submit a new application to the Department pursuant to Section 15 of the Act. If the examination is failed six times, the applicant shall not be permitted to take the examination for the seventh time until such applicant shall submit proof to the Department that the applicant has repeated the complete nursing education program required for admission to the first examination for licensure. For the purpose of examination retakes, the seventh examination shall be considered to be the first.

- 4) If the applicant does not sit for the examination six times within 3 years from the date of application in accordance with Section 15 of the Act, the applicant will be required to complete a new application. However, the applicant will not be required to complete the necessary nursing education program until he has failed the examination six times.

c) Licensed Practical Nurse Examination

- 1) The passing grade on the National Council Licensure Examination (NCLEX) for licensed practical nurses shall be a scaled score of 350 based on an ability scale designed to measure minimum licensed practical nurse competency. A pass/fail grade will be assigned.
- 2) A licensed practical nurse applicant who fails the examination is not eligible for licensure. If such applicant has been practicing as a licensed practical nurse under Section 3 4(g) of the Illinois Nursing Act,

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such applicant shall discontinue such practice until a scaled score of no less than 350 is achieved passing grade has been achieved on the examination and a license has been received from the Department.

- 3) If the examination is not passed within three years from the date of the first examination taken, regardless of the jurisdiction in which the examination was written, the applicant shall not be permitted to retake the examination until such time as the applicant has successfully recompleted the entire approved nursing education program as set forth in Section 1300.40(h)(10). Upon successful completion of the approved nursing education program, the applicant shall submit proof to the Department. If three years from the date of original application has lapsed, the applicant shall be required to submit a new application to the Department pursuant to Section 15 of the Act. If the examination is failed six times, the applicant shall not be permitted to take the examination for the seventh time until such applicant shall submit proof to the Department that the applicant has repeated the complete nursing education program required for admission to the first examination for licensure. For the purpose of examination retakes, the seventh examination shall be considered to be the first.

- 4) If the applicant does not sit for the examination six times within 3 years from the date of application in accordance with Section 15 of the Act, the applicant will be required to complete a new application. However, the applicant will not be required to complete the necessary nursing education program until he has failed the examination six times.

- d) Eligibility for Licensed Practical Nurse Examination. Any candidate who is unable to pass the registered professional nurse examination will not be permitted to write the practical nurse examination until or unless such applicant has graduated from an approved practical nursing education program.

- e) Release of Examination Scores. The Department shall not release examination scores to anyone other than the applicant without the applicant's approval.

(Source: Amended at 14 Ill. Reg. 10035 effective June 12, 1990)

Section 1300.30 Licensure by Endorsement

a) Application Procedure

- 1) Each applicant shall file a completed, signed notarized application for licensure registration on the basis of endorsement, on forms

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supplied by the Department. The application shall include:

- A) signature of the applicant;
- B) the required fee in Section 23 of the Act;
- C) proof of graduation from a nursing education program which meets the requirements of Section 1300.40; and
- C) proof of passage of an examination recognized by the Department, upon recommendation of the Committee (i.e., National Council Licensure Examination for professional nurses or practical nurses, or State Board Test Pool Examination for professional nurses or practical nurses);
- D) a complete work history since graduation from a practical nurse education program or a professional nurse education program, whichever came first;
- D) proof of passage of the Commission on Graduates of Foreign Nursing Schools (CGFNS) Examination is required of all persons licensed in their original jurisdictions subsequent to January 1, 1984, who completed their nursing education program in a country other than the United States or its territories.
- E) proof of passage of the Test of English as a Foreign Language (TOEFL) with a score of 550 is required of those applicants who submit proof of denial of eligibility to sit for the CGFNS examination and who are licensed in a country other than the United States or its territories if determined educationally prepared in nursing;
- E) for a practical nurse applicant who has received his practical nursing education in the military service, official transcripts of theory and clinical education prepared by an official of the military. Education must meet the standards for education as set forth in Section 1300.40.
- 2) Verification of licensure status from all states and/or foreign jurisdiction in which licensure has ever been granted.
- 3) Credentials of education and licensure, if not in English, shall be accompanied by a certified translation.
- 4) After filing the original application, any change of name must be supported by an affidavit satisfactory to the Department.

b) Qualifications for Endorsement

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- 1) ~~A nurse holding a certificate of registration from a jurisdiction outside of the State of Illinois may become licensed in Illinois provided that such applicant:~~

- A) ~~submit proof of graduation from a nursing education program which meets the requirements of Section 1300.40 of this Part and has been approved by the appropriate agency in such jurisdiction;~~
- B) ~~has passed an examination recognized by the Department; and~~
- C) ~~has complied with all other applicable rules and regulations promulgated by the Department.~~

- 2) ~~Deficiencies in nursing theory and/or clinical practice may be removed by taking the required course(s) in an approved nursing education program.~~

- 3) ~~Each applicant for licensure registration by endorsement who, in connection with his/her original registration, was not tested on subject matter substantially equivalent to that required of Illinois nurses at such time shall be required to take and pass, before a license will be issued by the Department, that subject matter not previously taken and passed.~~

- 4) ~~Compliance with the provisions of Sections 1300.25(b)(3) and 1300.25(c)(3) for each registered professional nurse applicant and each practical nurse applicant respectively, shall be a requirement for Illinois nurse licensure by endorsement.~~

- 5) ~~Each applicant who graduated from a professional nursing education program after August 1, 1960 must furnish proof of having completed a course in psychiatric nursing with a theory and clinical component.~~

- 6) ~~Each applicant who graduated from a nursing education program after 1958 must have completed a course in obstetric nursing with a theory and clinical component.~~

- e) ~~Eligibility for Practical Nurse Endorsement. A candidate who is unable to pass the registered professional nurse examination in another jurisdiction and is allowed to write the practical nurse examination in that jurisdiction and is subsequently licensed as a practical nurse in that jurisdiction is not eligible for endorsement in Illinois unless and until such candidate has graduated from an approved practical nursing education program.~~

- d) ~~Sections of Examinations Passed in More Than One State Prior to the Implementation of the Single Score Examination. The Department will~~

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grant an Illinois license ~~Certificate of Registration~~ as a registered professional nurse to an individual who has been licensed ~~registered~~ in another state and who is otherwise qualified for licensure ~~registration~~ in Illinois, whether or not all areas of the licensure examination were written in the same jurisdiction, if said examination(s) were written subsequent to February 1, 1976. If said examinations were written prior to February 1, 1976, the Department will review the individual's case to determine substantial equivalence under subsection (a)(6) ~~(b)(3)~~, above.

(Source: Amended at 14111. Reg. 1003 effective June 12, 1990)

Section 1300.40 Approval of Nursing Education Programs

a) Program Approval

Institutions desiring to establish a new nursing program leading to meeting requirements for licensure or change the level of educational preparation of program or establish an extension of an existing program shall:

- 1) Submit a letter of intent to the Department;
- 2) Provide a feasibility study to the Department on forms provided by the Department, which includes, at least, documentation of:
 - A) Need for the program in the community;
 - B) Need for graduates of proposed program;
 - C) Availability of students;
 - D) Impact on existing nursing programs in a 50 mile radius of proposed program;
 - E) Potential for qualified faculty;
 - F) Adequacy of clinical practicum and academic resources;
 - G) Financial commitment to support the initial and continuing program;
 - H) Community support of the scope and philosophy of the program;
 - I) Authorization by the appropriate education agency of the State of Illinois; and
 - J) A timetable for development of the program and the intended date of the first class beginning. [†]

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3) Submit 10 copies of curriculum proposal including:

- A) Program philosophy and objectives;
- B) A plan of organization which is logical and internally consistent;
- C) ~~Proposed plans of study including requisite and elective courses for students with rationale;~~
- D) ~~Course outlines or syllabi for all the first-term nursing courses offerings with subsequent outlines submitted prior to implementation;~~
- E) ~~Faculty qualifications;~~
- F) ~~Instructional approaches to be employed;~~
- G) ~~Evaluation plans for faculty and students; and~~
- H) ~~Facilities and utilization plan. [†]~~

b) Continued Program Approval

- 1) Nursing education programs shall submit annual evaluation reports to the Department on forms provided by the Department. These reports shall contain information regarding curriculum, faculty and students and other information as deemed appropriate by the Department.
- 2) Full routine site visits shall be conducted by the Department for periodic evaluation. The visits will be utilized to determine compliance with the Illinois Nursing Act. Full routine site visits shall be announced. Unannounced site visits may be conducted when the Department obtains evidence which would indicate that the program is not in compliance with the Act or ~~rules this Part.~~
- 3) A pass rate of graduates on the National Council Licensing Examination (NCLEX) shall be included in the annual evaluation of nursing education programs.
 - A) A pass rate of 75% of first time writers will be required for a school to remain in good standing.
 - B) A nursing education program having an annual pass rate of less than 75% of first time writers for one year will receive a written warning of noncompliance from the Department.

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- C) A nursing education program having an annual pass rate of less than 75% of first time writers for two consecutive years will receive a site visit for evaluation and recommendation by the Department and will be placed on probation for program revision in accordance with 68 Ill. Adm. Code 1110.
- D) The nursing education program shall have two years to demonstrate evidence of implementing strategies to correct deficiencies and bring the pass rate in line with the 75% criteria.
- E) If two years after implementing of the strategies to correct deficiencies in the program the annual pass rate is less than 75% the program will be reevaluated. The program will be allowed to continue to operate on a probationary status or will be disapproved and removed from the list of Illinois approved nursing programs in accordance with 68 Ill. Adm. Code 1110. At the beginning of the fifth year nursing education program having an annual pass rate of less than 75% of first time writers for four consecutive years will be removed from the approved nursing education program list.

c) Major Curricular Revision

Nursing education programs desiring to make a major curricular revision: addition or deletion of content; a substantive change in philosophy or conceptual framework; or length of program shall:

- 1) Submit a letter of intent to the Department;
- 2) Submit 10 copies of the proposed changes and new material to the Department, at least one term prior to implementation, for Committee of Nurse-Examiners recommendation and Department approval in accordance with the standards set forth in Section 1200.49 subsection (f).

d) Minor Curricular Revisions

Nursing education programs desiring to make curricular revisions involving reorganization of current course content but not constituting a major curriculum revision shall submit the proposed changes to the Department, in their annual report.

e) Organization and Administration

- 1) An institution responsible for conducting a nursing education program shall be one of the following:

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- A) ~~A hospital which is licensed by the Illinois Department of Public Health or which maintains standards which are substantially equivalent to the Joint Commission on the Accreditation of Hospitals.~~
- B) ~~A college or university which is authorized by the appropriate agency of the State of Illinois (e.g. Illinois Board of Higher Education, State Board of Education, Illinois Community College Board) and which maintains standards which are substantially equivalent to the current standards of the North Central Association of Colleges and Secondary Schools, subject to such further determination or determinations as the Department may make at any time or from time to time;~~
- C) ~~An institution which is capable of providing a nursing education program which meets the requirements established hereinafter in this Section and which is approved by the Department~~
- 2) The relationship of the nursing education program to other units within the sponsoring institution shall be clearly delineated with organizational charts on file with the Department;
 - 3) Nursing education programs shall have clearly defined lines of authority, responsibility, and communication;
 - 4) Student input into determination of academic policies and procedures, curriculum planning and evaluation of faculty effectiveness shall be assured as evidenced by information such as student membership on policy and evaluation committees, policy statements and evaluation procedures.
 - 5) Nursing education program policies and procedures shall be in written form, congruent with those of the sponsoring institution, and shall be reviewed by members of the program on a regular schedule;
 - 6) The philosophy, purpose, and objectives of the nursing education program shall be stated in writing, and shall be consistent with the sponsoring institution and current social, nursing and educational trends and the Illinois Nursing Act.
- f) Curriculum and Instruction
- 1) The curriculum shall be based upon the stated program purpose, philosophy, and objectives;
 - 2) Levels of progression in relation to the stated program objectives shall be established;

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- 3) Coordinated clinical and theoretical learning experiences shall be consistent with the program objectives;
- 4) Curricular content shall reflect contemporary nursing practice encompassing major health needs of all age groups;
- 5) All curriculum shall be based on sound nursing, education, and instructional principles;
- 6) The curriculum may include a Nursing Student Internship/ Cooperative Education Course which meets the following minimum requirements:
 - A) Must be course available with nursing major and identified on transcript.
 - B) Faculty must meet approved nursing education program qualifications and hold faculty status with educational unit.
 - C) Clinical content must be coordinated with theoretical content.
 - D) Clinical experience must be under direct supervision of qualified faculty as set forth in subsection (g).
 - E) Students shall not be permitted to practice beyond educational preparation or without faculty supervision.
 - F) Course shall be based on program purpose philosophy, objectives and framework.
 - G) Course evaluation shall be consistent with plan for program evaluation.
 - H) Articles of affiliation shall clearly delineate student educational institution and health care agency roles and responsibilities.
- 7) ~~6~~ The curriculum shall be evaluated by faculty with student input according to a stated plan;
- 8) The program shall be approved by the appropriate educational agency.
- 9) ~~7~~ Curriculum for professional nursing programs shall:
 - A) Include as a minimum concepts in anatomy, physiology, chemistry, physics, microbiology, sociology, psychology, communications, growth and development, interpersonal relationships, group dynamics, cultural diversity, pharmacology and the

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- administration of medication, nutrition and diet therapy, pathophysiology, ethics, nursing history, trends and theories, professional and legal aspects of nursing, leadership and management in nursing, and teaching-learning theory;
- B) These requirements shall not preclude a flexible curriculum that would provide appropriate integration of the nursing ~~various~~ subject matters.
 - C) Provide theoretical and clinical instruction in all areas of nursing practice which encompasses attainment and maintenance of optimum physical and mental health and prevention of illness for individuals and groups throughout the life-cycle;
 - D) Incorporate the nursing process, ~~assessment, planning, implementation, and evaluation,~~ as an integral part of the curriculum;
 - E) Prepare the student to assume beginning level professional nursing positions.
 - F) Be at least two academic years in length.
- 8- 10) Curriculum for the practical nursing programs shall:
- A) Include as a minimum basic concepts of anatomy, physiology, chemistry, microbiology, physics, communications, growth and development, interpersonal relationships, psychology sociology, cultural diversity, pharmacology (pharmacology course standards are set forth in Section 1300.44), nutrition and diet therapy, vocational, legal and ethical aspects of nursing;
 - B) These requirements shall not preclude a flexible curriculum that would provide appropriate integration of the nursing ~~various~~ subject areas;*
 - C) Provide basic theoretical and clinical instruction in nursing which encompasses the attainment and maintenance of physical and mental health and the prevention of illness for individuals and groups throughout the life cycle;
 - D) Incorporate the nursing process as an integral part of the curriculum;
 - E) Prepare the student to assume entry level practical nursing positions to assist clients with normal and common health problems through use of basic nursing skills; and

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F) Be at least one academic year in length.

G) An acceptable military program shall consist of a minimum of 36 to 40 weeks of theory and clinical instruction incorporating the curriculum as outlined in ~~Section 1200.40(9)(A)~~ subsection (f)(1)(A).

g) Faculty

1) The institution responsible for conducting the nursing program and the Nurse Administrator of the nursing education program shall be responsible for ensuring that the individual faculty members are academically and professionally qualified.

2) Nursing education programs shall be administered by the Nurse Administrator of the nursing education program.

3) The Nurse Administrator and faculty of a nursing education program shall be currently licensed as registered professional nurses in Illinois.

4) The Nurse Administrator of a nursing education program shall have at least:

A) ~~At least~~ two years experience in clinical nursing practice;

B) ~~At least~~ two years of experience as an instructor in a nursing education program;

C) ~~At least~~ a master's degree with a major in nursing.

5) Nurse faculty of a professional nursing program shall have:

A) At least two years experience in clinical nursing practice;

B) A master's degree with a major in nursing.

C) An individual with a bachelor's degree with a major in nursing and a master's degree in a related area other than nursing and who has at least 10 years' experience as a faculty member in a state approved professional nursing program may request a variance of the Rule. No more than 12% of the total program nurse faculty may be employed in a nursing education program without a master's degree with a major in nursing.

6) Nurse faculty of a practical nursing program shall have:

A) At least two years experience in clinical nursing practice;

B) A baccalaureate degree with a major in nursing.

7) The requirements of subsections (4), (5) and (6) above shall not affect incumbents as of the original date these requirements were adopted, January 14, 1980.

8) Nurse Administrators of nursing education programs shall be responsible for:

A) Administration of the nursing education program;

B) Liaison with other units of the sponsoring institution;

C) Preparation and administration of the budget;

D) Facilitation of faculty development and performance review;

E) Facilitation and coordination of activities related to academic policies, personnel policies, curriculum, resource facilities and services, and program evaluation.

F) Be responsible for notification to the Department of program changes.

9) Faculty shall be responsible for:

A) Development, implementation, and evaluation of the purpose, philosophy, and objectives of the nursing education program;

B) Design, implementation, and evaluation of curriculum for the nursing education program;

C) Participation in academic advising of students;

D) Development and evaluation of student policies;

E) Evaluation of student performance in meeting the objectives of the program.

10) Faculty shall participate in:

A) Selection, promotion, and tenure activities;

B) Academic activities of the institution;

C) Professional and health related community activities;

D) Self-development activities for professional and personal growth;

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- E) Research and other scholarly activities for which qualified.
- 11) The ratio of students to faculty in the clinical area shall be appropriate to the clinical learning experience but shall not exceed 12:1.
- h) Financial Support, Facilities, Records
- 1) Adequate financial support for the nursing education program, faculty and other necessary personnel, equipment, supplies, and services, shall be in evidence in the program budget.
 - 2) The faculty of the nursing education program and the staff of cooperating agencies used as sites for additional theory and clinical experience shall work together for quality of patient care.
 - 3) Articles of Affiliation
 - A) The nursing education program shall have Articles of Affiliation between the nursing education program and each clinical facility which define the rights and responsibilities of each party, including agreements on the role and authority of the governing bodies of both the clinical site and the nursing education program.
 - B) If portions of the required clinical or theoretical curriculum are offered at different geographical sites, the curriculum must be planned, supervised, administered and evaluated in concert with appropriate faculty committees, department chairmen and administrative officers of the parent school.
 - 4) There shall be adequate facilities for the nursing program for both academic and clinical experiences for students.
 - 5) There shall be access to library facilities that are reasonably sufficient for the curriculum and the number of students enrolled in the nursing education programs.
 - 6) Cooperating agencies shall be identified to the Department and shall be suitable to meet the objectives of the program.
 - 7) Addition or deletion of cooperating agencies shall be reported in writing to the Department no later than thirty (30) days after the entrance into a contract or upon cancellation of a contract.
 - 8) The nursing program's policies and procedures shall not violate constitutional rights and shall be written and available to faculty and students.

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- 9) Permanent student records that summarize admissions, credentials, grades and other records of performance shall be maintained by the program.
- i) Discontinuance of a Nursing Program
- 1) A nursing education program shall:
 - A) Notify the Department, in writing, of its intent to discontinue its program;
 - B) Continue to meet the requirements of the ~~Illinois Nursing Act and Rules~~ this Part until the official date of termination of the program;
 - C) Notify the Department of the date on which the last student will graduate and the program terminate;
 - D) Assume responsibility for assisting students to continue their education in the event of closing of the school prior to the final student graduating.
 - 2) Upon closure of the nursing education program, the institution shall notify the Department, in writing, of the location of student and graduate records storage.
 - j) ~~Disapproval of a Program~~ **Withdrawal of Approval**
 - 1) The following are grounds for disapproval of a nursing education program:
 - A) A violation of any provision of the ~~Illinois Nursing Act~~;
 - B) Fraud or dishonesty in applying for approval of a nursing education program;
 - C) Failure to continue to meet criteria of an approved nursing education program as set forth in this Section ~~stated in these Rules~~;
 - D) Failure to comply with recommendations made by the Department as a result of a site visit.
 - 2) Upon written notification of the proposed Department's action, the nursing education program may:
 - A) Submit a written response;

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- 5 6) The course shall include both planned and supervised clinical experiences and theoretical content consistent with the stated course objectives.
- 6 7) The theory component for registered nurses shall be at least 48 contact hours and for licensed practical nurses at least 32 contact hours.
- 7 8) The clinical component for registered nurses shall be at least 96 contact hours and for licensed practical nurses at least 64 contact hours.
- c) Any institution desiring to have its ~~refresher~~ course(s) approved by the Department shall file with the Department at least twelve weeks prior to anticipated implementation 10 copies of all relevant information bearing on its compliance with the above criteria plus the following:

- 1) The name of the sponsoring institution;
- 2) The name of the designated course coordinator responsible for the course and a brief summary of the individual's qualifications;
- 3) A list of the members of the educational staff, their qualifications for teaching the course(s) and their responsibilities.
- d) The Committee of ~~Nurse-Examiners~~ shall evaluate the submitted materials at its next regularly scheduled meeting, at which time the course coordinator from the applying sponsoring institution may make an oral presentation. The Committee shall make a recommendation to the Director for approval or disapproval and the Department will notify the sponsoring institution of its decision.

- e) The course shall be reevaluated every three years.

(Source: Amended at 14 Ill. Reg. 10035 effective June 12, 1990)

Section 1300.42 Standards of Professional Conduct for Registered Professional Nurses
The Registered Professional Nurse shall:

- a) Practice in accordance with the ~~Illinois Nursing~~ Act and ~~Rules~~ this Part;
- b) Uphold federal and state regulations regarding controlled substances and alcohol;
- c) Practice nursing only when in functional physical and mental health;

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- B) Request a hearing before the Committee of ~~Nurse-Examiners~~.

(Source: Amended at 14 Ill. Reg. 10035, effective June 12, 1990)

Section 1300.41 Approval of ~~Refresher-Courses~~ Current Nursing Practice Update Course

- a) A ~~nursing-refresher~~ current nursing practice update course (the "course") is a planned educational offering which provides a ~~basic-review~~ and an updating of content and is specifically designed for registered and/or practical nurses preparing to re-enter nursing practice.
- b) To be approved by the Department a ~~refresher~~ course shall meet the following minimum requirements:

- 1) The sponsoring institution must have access to adequate facilities and resources and qualified educational staff to implement both the required theoretical and clinical components of the ~~refresher~~ course.

- 2) The course shall be conducted by:

A) a coordinator with a baccalaureate major in nursing and two years of current clinical experience in nursing practice;

B) faculty with 2 years of current clinical experience in nursing who have demonstrated competency in teaching/learning. This experience may be either from academics or work experience (i.e., coursework, staff development, nursing faculty of an approved nursing program).

- 2 3) The course must be based on clearly stated objectives which are realistic for the time allotted in the course, appropriate for the course content, and includes both theoretical and clinical practice expectations.

2) The course content must provide a review of basic nursing care concepts, principles, and skills related to patients across the life cycle.

4) The nursing content shall provide information on the Act and this Part, the American Nurses' Association (ANA) Standards of Practice, the ANA Code of Ethics, current opportunities for nursing practice, and current climate for practice, and nursing process.

- 4 5) Course content must be based on current nursing care concepts and skills relevant to the audience for which it is intended, registered nurse or licensed practical nurse.

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- d) Be accountable for own nursing actions and competencies;
- e) Practice or offer to practice only within the scope permitted by law and within the licensee's ~~registrant's~~ own educational preparation and competencies.
- f) Seek instruction and supervision from qualified individuals when implementing new or unfamiliar nursing activities;
- g) Delegate tasks only to individuals whom the licensee knows or has reason to know are qualified by education or experience to perform.
- h) Delegate professional responsibilities only to individuals whom the licensee ~~registrant~~ knows or has reason to know are ~~qualified by education, experience or licensure~~ licensed to perform ~~and supervise those persons to whom nursing activities have been delegated~~;
- i) Be accountable for the quality of nursing care delegated to others;
- j) Report unsafe, unethical, or illegal health care or conditions to appropriate authorities;
- k) Maintain a functional level of practice consistent with education and experiential background and in accordance with professional responsibilities; and
- l) Assume responsibility for continued professional and personal growth and education to reflect knowledge and understanding of current nursing care practice.
- m) Violations of this Section may result in discipline for dishonorable, unethical or unprofessional conduct as specified in Section 25(b) 15(6) of the Act (Ill. Rev. Stat. 1987, ch. 117, par. 3420-6b). All disciplinary hearings shall be conducted in accordance with 68 Ill. Adm. Code 1110.

(Source: Amended at 14 Ill. Reg. 10035 effective June 12, 1990)

Section 1300.45 Renewals

- a) Every license issued under the Act shall expire on May 31 of each even numbered year for Registered Professional Nurse and on January 31 of each odd numbered year for Licensed Practical Nurse. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the required fee.
- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee.

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- c) Practice on a license which has expired is the unlicensed practice of nursing and shall be grounds for discipline pursuant to Section 25 of the Act.
(Source: Amended at 14 Ill. Reg. 10035 effective June 12, 1990)
- Section 1300.48 Restoration
- a) A licensee ~~registrant~~ seeking restoration of his license ~~certificate of registration~~ which has expired for less than five (5) years shall have his license restored upon payment of all lapsed renewal fees required by Section 23 of the Act.
- b) A licensee ~~registrant~~ seeking restoration of his license ~~certificate of registration~~ which has been placed on inactive status for less than five (5) years shall have his license restored upon payment of the restoration fee.
- c) A licensee ~~registrant~~ seeking restoration of his license ~~certificate of registration~~ after it has expired or been placed on inactive status for more than five (5) years shall file an application, on forms supplied by the Department, together with the fee required by Section 23 of the Act. The registrant shall also submit either:

- 1) Certification ~~Sworn evidence~~ of active practice in another jurisdiction. Such certification ~~evidence~~ shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee ~~registrant~~ was authorized to practice during the term of said active practice; or
- 2) An affidavit attesting to military service as provided in Section 17 14 of the Act; or
- 3) Proof of successful completion of a ~~refresher~~ current nursing practice update course, which shall include evaluated clinical experience, approved by the Department, as specified in Section 1300.41 of this Part.
- d) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is reasonably questioned by the Department because of discrepancies or conflicts in information, information needing further clarification, and/or missing information, the licensee ~~registrant~~ will be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Explain such relevance or sufficiency during an oral interview; or

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- 3) Appear for an oral interview before the Committee designed to determine the individual's current competency to practice as a Registered Professional Nurse or Licensed Practical Nurse.

(Source: Amended at 14 Ill. Reg. 10035 effective June 12, 1990)

Section 1300.60 Practice of Nursing

a) Purpose of Standards.

- 1) To establish minimal acceptable levels of safe practice by the Registered Nurses and Licensed Practical Nurses.
- 2) To serve as a guide for the Committee to evaluate nursing care to determine if it is safe and effective.

- b) Standards Related to the Registered Nurse's Responsibility to Implement the Nursing Process. It is not always possible to document complete information in all areas listed below on each patient. However, nurses should be held accountable for the thorough data collection within the constraints of available information. The Registered Nurse shall:

- 1) Conduct and document nursing assessments of the health status of individuals and groups.
- 2) Establish and document nursing problems which serve as the basis for the nursing plan.
- 3) Develop the nursing plan based on assessment and nursing problem identification. This includes:
 - A) Identifying priorities in the nursing plan.
 - B) Setting realistic and measurable goals.
 - C) Prescribing nursing intervention(s).
- 4) Implement the nursing plan through giving and delegating direct care.
- 5) Evaluate the responses of individuals or groups to nursing interventions and redirect the care plan based on the evaluation findings.
- 6) Communicate evaluation data to appropriate members of the health care team.

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- c) Standards related to the Licensed Practical Nurse's contribution to the responsibility for the nursing process. The licensed practical nurse under the direction or supervision of a registered nurse, licensed physician, dentist, or podiatrist shall:

- 1) Participate in assessment by observing, collecting, recording and reporting:
 - A) Objective and subjective data in an accurate and timely manner;
 - B) The condition and/or change in condition of the patient; and
 - C) Signs and symptoms of deviation from normal health status.
- 2) Assist in developing the nursing care plan.
- 3) Assist in the implementation of nursing care:
 - A) Within the concepts included in the practical nursing curriculum as set forth in Section 1300.40(f) of this Part;
 - B) With consideration for safety in practice;
 - C) According to established priorities of needs; and
 - D) Documenting and communicating nursing interventions and responses to care.
- 4) Assist in evaluating patient responses:
 - A) Document and communicate evaluation data to appropriate members of the health care team.
 - B) Contribute to the modification of the nursing plan on the basis of the evaluation.

(Added at 14 Ill Reg. 10035 effective June 12, 1990)

Section 1300.70 Fines

- a) In accordance with Section 25 of the Act, fines shall be imposed in conjunction with other forms of disciplinary action only in instances where the nurse has received monetary gain. In determining the amount of the fine, the Department shall consider, but not be limited to, the following factors:
- 1) the amount of financial gain, including fees not paid for unlicensed practice;

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- 2) facts of the individual case;
- 3) any disciplinary history of the individual relating to monetary gain.
- b) The Department shall maintain a record to document the use of fines, type of case and the amount of fine.

(Added at 14 Ill. Reg. 1003.5 effective June 12, 1990)

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- 1) The Heading of the Part: MEDICAL PAYMENT

- 2) Code Citation: 89 Ill. Adm. Code 140

- 3) Section Numbers: Adopted Action:
140.400 Amendment
140.435 New Section
140.436 New Section

- 4) Statutory Authority: Sections 5-5 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5 and 12-13)

- 5) Effective Date of Adopted Amendments: June 12, 1990

- 6) Does this rulemaking contain an automatic repeal date?
Yes X No

- 7) Does these Adopted Amendments contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: June 12, 1990

- 9) Notices of Proposal Published in Illinois Register:

February 2, 1990 (14 Ill. Reg. 1737)

- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

- 11) Difference between proposal and final version: A cite to the Illinois Nursing Act of 1987 was provided in 140.400(a)(2)

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not applicable

- 13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No

- 14) Are there any Amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.7	Amendment	April 20, 1990 (14 Ill. Reg. 5726)

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Section Numbers	Proposed Action	Illinois Register Citation
140.24	Amendment	January 26, 1990 (14 Ill. Reg. 1570)
140.413	Amendment	March 30, 1990 (14 Ill. Reg. 4860)
140.420	Amendment	January 26, 1990 (14 Ill. Reg. 1570)
140.421	Amendment	January 26, 1990 (14 Ill. Reg. 1570)
140.461	Amendment	April 20, 1990 (14 Ill. Reg. 5726)
140.462	Amendment	April 20, 1990 (14 Ill. Reg. 5726)
140.463	Amendment	April 20, 1990 (14 Ill. Reg. 5726)
140.471	Amendment	June 8, 1990 (14 Ill. Reg. 8929)
140.472	Amendment	June 8, 1990 (14 Ill. Reg. 8929)
140.473	Amendment	June 8, 1990 (14 Ill. Reg. 8929)
140.474	Amendment	June 8, 1990 (14 Ill. Reg. 8929)
140.475	Amendment	September 29, 1990 (13 Ill. Reg. 15281)
140.476	Amendment	September 29, 1990 (13 Ill. Reg. 15281)
140.477	Amendment	September 29, 1990 (13 Ill. Reg. 15281)
140.478	Amendment	September 29, 1990 (13 Ill. Reg. 15281)

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Section Numbers	Proposed Action	Illinois Register Citation
140.479	Amendment	September 29, 1990 (13 Ill. Reg. 15281)
140.480	Amendment	September 29, 1990 (13 Ill. Reg. 15281)
140.481	Amendment	September 29, 1990 (13 Ill. Reg. 15281)
140.528	Amendment	May 11, 1990 (14 Ill. Reg. 7027)
140.542	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.543	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.545	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.642	Amendment	March 2, 1990 (14 Ill. Reg. 3019)
140.646	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.647	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.648	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.649	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.650	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.652	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140. Table D	Amendment	January 26, 1990 (14 Ill. Reg. 1570)

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Section Numbers Proposed Action Illinois Register Citation

140. Table H Amendment March 2, 1990
(14 Ill. Reg. 3019)

15) Summary and Purpose of Amendments: These amendments allow payment for nurse-midwife services. The amendments specify the requirements for payment of such services.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Tom Toberman
Medical Support Services

Address: Illinois Department of Public Aid
Prescott E. Bloom Building
201 South Grand Avenue East, 2nd Floor
Springfield, Illinois 62763

Telephone: (217) 524-5678

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy
140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5 Covered Medical Services Under GA and AMI
140.6 Medical Services Not Covered
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Six
140.8 Medical Assistance For Qualified Severely Impaired Individuals
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Section

- 140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

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Section 140.18 Effect of Termination on Individuals Associated with Vendor

Section 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring

Section 140.20 Submittal of Claims

Section 140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)

Section 140.22 Magnetic Tape Billings

Section 140.23 Payment of Claims

Section 140.24 Payment Procedures

Section 140.25 Overpayment or Underpayment of Claims

Section 140.26 Payment to Factors Prohibited

Section 140.27 Assignment of Vendor Payments

Section 140.28 Record Requirements for Medical Providers

Section 140.29 Audits

Section 140.30 False Reporting and Other Fraudulent Activities

Section 140.35 Prior Approval for Medical Services or Items

Section 140.40 Prior Approval in Cases of Emergency

Section 140.41 Limitation on Prior Approval

Section 140.42 Post Approval for Items or Services When Prior Approval Cannot Be Obtained

Section 140.43 Drug Manual (Recodified)

Section 140.71 Drug Manual (Recodified)

Section 140.72 Drug Manual Updates (Recodified)

Section 140.73

SUBPART C: HOSPITAL SERVICES

Section 140.94 Hospital Services (Recodified)

Section 140.95 Participation (Recodified)

Section 140.96 General Requirements (Recodified)

Section 140.97 Special Requirements (Recodified)

Section 140.98 Covered Hospital Services (Recodified)

Section 140.99 Hospital Services Not Covered (Recodified)

Section 140.100 Limitation On Hospital Services (Recodified)

Section 140.101 Transplants (Recodified)

Section 140.102 Heart Transplants (Recodified)

Section 140.103 Liver Transplants (Recodified)

Section 140.104 Bone Marrow Transplants (Recodified)

Section 140.110 Disproportionate Share Hospital Adjustments (Recodified)

Section 140.116 Payment for Inpatient Services for GA (Recodified)

Section 140.117 Hospital Outpatient and Clinic Services (Recodified)

Section 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)

Section 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)

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Section 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)

Section 140.203 Limits on Length of Stay by Diagnosis (Recodified)

Section 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)

Section 140.350 Copayments (Recodified)

Section 140.360 Payment Methodology (Recodified)

Section 140.361 Non-Participating Hospitals (Recodified)

Section 140.362 Pre July 1, 1989 Services (Recodified)

Section 140.363 Post June 30, 1989 Services (Recodified)

Section 140.364 Prepayment Review (Recodified)

Section 140.365 Base Year Costs (Recodified)

Section 140.366 Restructuring Adjustment (Recodified)

Section 140.367 Inflation Adjustment (Recodified)

Section 140.368 Volume Adjustment (Repealed)

Section 140.369 Groupings (Recodified)

Section 140.370 Rate Calculation (Recodified)

Section 140.371 Payment (Recodified)

Section 140.372 Review Procedure (Recodified)

Section 140.373 Utilization (Repealed)

Section 140.374 Alternatives (Recodified)

Section 140.375 Exemptions (Recodified)

Section 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)

Section 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)

Section 140.391 Definitions (Recodified)

Section 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)

Section 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)

Section 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)

Section 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.400 Payment to Practitioners, Nurses and Laboratories

Section 140.410 Physicians' Services

Section 140.411 Covered Services By Physicians

Section 140.412 Services Not Covered By Physicians

Section 140.413 Limitation on Physician Services

Section 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians

Section 140.416 Optometric Services and Materials

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140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services (Repealed)
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SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13).

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; peremptory at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 17358, effective October 31, 1983; amended at 8 Ill. Reg. 15047, effective December 21, 1983; amended at 8 Ill. Reg. 17358, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg.

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7758, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 12000, 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12306, effective July 24, 1985; amended at 9 Ill. Reg. 13998, effective August 5, 1985; amended at 9 Ill. Reg. 14684, effective September 3, 1985; amended at 9 Ill. Reg. 15503, effective September 13, 1985; amended at 9 Ill. Reg. 16312, effective October 4, 1985; amended at 9 Ill. Reg. 19138, effective October 11, 1985; amended at 9 Ill. Reg. 19737, effective December 2, 1985; amended at 10 Ill. Reg. 238, effective December 9, 1985; emergency amendment at 10 Ill. Reg. 279, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 8128, 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8912, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 9121, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at

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10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475,

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effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.400 Payment to Practitioners, Nurses and Laboratories

a) This Section applies to physicians, dentists, nurses, optometrists, podiatrists, chiropractors and independent laboratories.

1) Practitioners, nurses and independent laboratories are required to bill the Medical Assistance Program at the same rate they charge

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Section 140.400 Payment to Practitioners, Nurses and Laboratories (Cont'd)

patients paying their own bills and patients covered by other third party payors.

2) A practitioner or nurse may bill only for services he personally provides or which are provided under his direct supervision in his office by his staff, so long as such practice is not in conflict with the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 3501 et seq.) and implementing regulations. A practitioner may not bill for services provided by another practitioner even though he may be in the employ of the other.

3) Payment will be made only in practitioner's or nurse's name or Department approved alternate payee.

2+4) Payments will be made according to a schedule of State-wide pricing screens established by the Department of Public Aid. (Exception: a nurse midwife will be reimbursed for covered services at 70% of the established screen.) The pricing screens are to be established based on consideration of the market value of the service. In considering the market value, the Department will examine the costs of operations and material. Input from advisory groups designated by statute, generally recognized provider interest groups and the general public will be taken into consideration in determining the allocation of available funds to rate adjustments. Increases in rates are contingent upon funds appropriated by the General Assembly. Reductions or increases may be affected by changes in the market place or changes in funding available for the Medical Assistance Program. Screens will be related to the average State-wide charge. The upper limit for services shall not exceed the lowest Medicare charge levels.

b) The Department will distribute (initially and upon revision of the amounts) to practitioners, nurses and laboratories the maximum allowable amounts for the most commonly billed procedures codes. Interested

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Section 140.400 Payment to practitioners, Nurses and Laboratories (Cont'd)

individuals may request a copy of the maximum allowable amounts from the Department by directing the request to the Bureau of ~~Non-Institutional-Provider Services~~, 931-East-Washington, Medical Practitioner Services, Prescott E. Bloom Building, 201 South Grand Avenue East, Springfield, Illinois 62763-0001. In addition, a participating individual practitioner may request the maximum allowable amounts for less commonly billed specific procedures that relate to the individual's practice. This request must be in writing and identify specific procedure code(s) and associated descriptions.

(Source: Amended at 14 Ill. Reg. 10062, effective June 12, 1990)

Section 140.435 Nurse Services

a) Payment for nurse services shall be made only to licensed nurses. Payment for nurse midwife services shall be made only to a registered professional nurse (R.N.) who holds a valid Illinois license and is legally authorized under State law or regulation to practice as a nurse-midwife so long as such practice is not in conflict with the Illinois Nursing Act of 1987 and its implementing regulations and has completed a program of study and clinical experience for nurse-midwives accredited/approved by the American College of Nurse-Midwives. A nurse-midwife must have and maintain a current agreement with a physician licensed to practice medicine in all its branches who has hospital delivery privileges. A copy of this signed agreement must be on file with the Department.

b) Payment shall be made for nurse services specified below.

1) In-Home Nursing Services

2) Private duty nursing services

c) Payment shall be made for nurse midwife services for the management and care of women through the maternity cycle including the six weeks postpartum checkup and the management and care of newborn babies up to six

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Section 140.435 Nurse Services (Cont'd.)

weeks following delivery, so long as such practice is not in conflict with the Illinois Nursing Act of 1987 and its implementing regulations.

(Source: Added at 14 Ill. Reg. 10062, effective June 12, 1990)

Section 140.436 Limitations on Nurse Services

The following limitations apply to nurse and nurse-midwifery services:

a) Prior Approval

1) Prior approval is required for:

A) In-home nursing services

B) Private duty nursing services

2) The decision to deny or approve a request will be made within 21 days of the date the request is received and all necessary information is received.

b) Payment shall be made for in-home nursing services only when there is no Medicare certified home health agency available to provide the needed services and the cost of the in-home care is less than alternate care in a group care facility.

c) In-home and private duty nursing services and nurse-midwifery services provided to recipients of General Assistance and Aid to the Medically Indigent (categories 07 and 97) or the Migrant Medical Program (category 97) are not reimbursable.

d) The following will not be reimbursed:

1) Nursing services provided in the role of Physician Assistant or Nurse Practitioner.

2) Mileage to and from place of service.

3) Provision of equipment and supplies.

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Section 140.436 Limitations on Nurse Services (Cont'd)

- 4) X-rays, except for ultrasounds of the pregnant uterus.
- 5) Amniocentesis.
- 6) Consultations between nurse-midwives or between nurse-midwife and a physician.
- 7) Services not specified in the Department's Nurse Handbook.

(Source: Added at 14 Ill. Reg. 10062, effective June 12, 1990)

- 1) Heading of the Part: Income Tax

- 2) Code Citation: 86 Ill. Adm. Code 100

- 3) Section Numbers:
100.9060
100.9070
100.9110
100.9130
100.9140

Adopted Action:
Amendment
Amendment
Amendment
Amendment

- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 120, pars. 9-904, 9-905, 9-909, 9-911 and 9-912

- 5) Effective Date of Amendment(s): June 7, 1990

- 6) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒

- 7) Does this amendment contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: June 7, 1990

- 9) Notice of Proposal Published in Illinois Register:

December 15, 1989, 13 Ill. Reg. 19347
(issue date)

- 10) Has JCAR issued a Statement of Objections to this Rule?: No

- 11) Differences between proposal and final version: Pursuant to the request of the Joint Committee on Administrative Rules, the following changes were made:

1. Placed a period at the end of the second sentence of Section 100.9110(f)(1).

2. Enclosed the subsection "g" label appearing in Section 100.9110(f)(4).

Pursuant to the request of the Administrative Code Division, the following changes were made:

1. In Section 100.9070, last line, changed Section 100.970970(h) to subsection (h).

2. In Section 100.9070(d), deleted the following material: "or fails to report a change or correction which is treated as it would be if it were a deficiency for federal income tax purposes."

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3. In Section 100.9070(i)(2), line 9, changed 86 Ill. Adm. Code 100.9070(b) and (c) to subsections (b) and (c).
4. In Section 100.9110(a); last line, changed (See Ill. Rev. Stat. 1989, ch. 127, par. 39e) to "(See Section 39e of the Civil Adm. Code of Illinois, Ill. Rev. Stat., 1989, ch. 127, par. 39e)".
5. In Section 100.9110(c)(3)(A), line four, changed "subparagraph" (B) to "subsection".
6. In Section 100.9110(e)(1), line two, placed comma after year 1972.
7. In Section 100.9110(e)(4), line five, changed reference to "86 Ill. Adm. Code 100.9110" (f)(4) to "subsection (f)(4)".
8. In Section 100.9110(f)(4), line six from bottom of subsection, changed reference of "paragraph (g)" to "subsection (g)".
9. Also made same change in Section 100.9110(f)(6), last line.
10. Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
11. Will this amendment replace an emergency amendment currently in effect? No
12. Are there any amendments pending on this Part? Yes

Section 100.9140 is amended to incorporate statutory changes.

16) Information and questions regarding this adopted amendment shall be directed to:

Joseph E. McMenamin
Manager
Income Tax Legal Division
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-7054

The full text of the Adopted Amendment begins on the next page:

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this amendment replace an emergency amendment currently in effect? No

- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
100.2900	Amendment	7/7/89, 13 Ill. Reg. 10772
100.2901	New Section	7/7/89, 13 Ill. Reg. 10772
100.2902	New Section	7/7/89, 13 Ill. Reg. 10772
100.2903	New Section	7/7/89, 13 Ill. Reg. 10772
100.2904	New Section	7/7/89, 13 Ill. Reg. 10772

- 15) Summary and Purpose of Amendments: Sections 100.9060 and 100.9110 are amended to correct citations to the regulations and to add and delete language to reconcile the Secretary of State Code Division and Illinois Register versions of the regulations.

Section 100.9070 is amended to correct citations to the regulations and to incorporate statutory changes, including the changes made by P.A. 86-905 which deletes the requirement to report "State changes."

Section 100.9130 is amended to incorporate statutory changes and to reconcile the Secretary of State Code Division and Illinois Register versions of the regulations.

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section 100.2000	Personal Property Tax Replacement Income Tax (hereinafter ppTRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - In General (IITA Section 201) (Repealed)
100.2050	Personal Property Tax Replacement Income Tax (ppTRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - Carryover Items (IITA Section 201) (Repealed)
100.2100	Personal Property Tax Replacement Income Tax (ppTRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - Carryback Items (IITA Section 201) (Repealed)
100.2150	Personal Property Tax Replacement Income Tax (ppTRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - Partnership Income (IITA Section 201) (Repealed)
100.2200	Personal Property Tax Replacement Income Tax (ppTRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - Long Term Contracts Reported on the Completed Contract Method (IITA Section 201) (Repealed)
100.2250	Personal Property Tax Replacement Income Tax (ppTRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - In General (IITA Section 201) (Repealed)
100.2300	Personal Property Tax Replacement Income Tax (ppTRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - Carryover Items (IITA Section 201) (Repealed)
100.2350	Personal Property Tax Replacement Income Tax (ppTRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - Carryback Items (IITA Section 201) (Repealed)
100.2400	Personal Property Tax Replacement Income Tax (ppTRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - Partnership Income (IITA Section 201) (Repealed)
100.2450	Personal Property Tax Replacement Income Tax (ppTRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - Long Term Contracts Reported on the Completed Contract Method (IITA Section 201) (Repealed)

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100.2500	Scope of 86 Ill. Adm. Code 100.2000 through 100.2450 (Repealed)
100.2550	Net Income (IITA Section 202)
100.2560	Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
100.2561	Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
100.2562	Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
100.2563	Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
100.2564	Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
100.2565	Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership Special Transitional Rules (IITA Section 202) (Repealed)
100.2600	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Scope
100.2675	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Definitions
100.2700	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Current Net Operating Losses: Offsets Between Members
100.2750	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Carrybacks and Carryforwards
100.2800	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income
100.2850	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year.
100.2900	Investment Tax Credits
100.2950	Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside For Charity
Section 100.3000	SUBPART B: ALLOCATION AND APPORTIONMENT OF BASE INCOME Terms Used in Article 3 (IITA Section 301)

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Composite Return: Tax, Penalties and Interest
Composite Returns: Credit for Resident Individuals
Composite Returns: Definition of a "Lloyd's Plan of Operation"
Election to File a Combined Return
Procedure for Making the Election
Designated Agent for the Members
Combined Estimated Tax Payments
Claims for Credit of Overpayments
Liability for Combined Tax, Penalty and Interest
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SUBPART D: INCOME TAX WITHHOLDING

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Compensation Paid in this State (IITA Section 701)
Transacting Business Within this State (IITA Section 701)
Payments to Residents (IITA Section 701)
Employer Registration (IITA Section 701)
Computation of Amount Withheld (IITA Section 701)
Additional Withholding (IITA Section 701)
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SUBPART C: RECORDS, RETURNS AND NOTICES

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Time for Filing Returns: Corporations (IITA Section 505) (Repealed)
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Time for Filing Returns: Estates and Trusts (IITA Section 505) (Repealed)
Place for Filing Returns: All Taxpayers (IITA Section 505)
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Penalty for Underpayments of Estimated Tax-Exception for Payments Based on Prior Year's Liability-Rule for a Taxable Year Following the Taxable Year in which the Personal Property Tax Replacement Income Tax (PPTRIT) Became Effective-Corporate Taxpayers (IITA Section 802)
 Penalty for Underpayment of Estimated Tax-Exception for Payments Based on the Prior Year's Facts-Change in the Personal Property Tax Replacement Income Tax (PPTRIT) Rate for Corporations on January 1, 1981 (IITA Section 802)

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100.9900 Unitary Business Group Defined (IITA Section 1501)

APPENDIX A: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

TABLE A Example of Unitary Business Apportionment
 TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act (Ill. Rev. Stat. 1989, ch. 120, pars. 1-101 et seq.) and authorized by Section 1401 of the Illinois Income Tax Act (Ill. Rev. Stat. 1989, ch. 120, par. 14-1401).

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49 p. 84, effective November 29, 1978; amended 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981, amended at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990.

Section 100.9060 Deficiencies and Overpayments (IITA Section 904)

a) Examination of return:-

The Department shall examine a return as soon as practicable after it is filed to determine the correct amount of tax. If for reasons other than mathematical error (see 86 Ill. Adm. Code 100.9159 9050(a)(1)) the Department finds that the correct amount of tax exceeds that shown on the return, and the taxpayer disagrees, the Department then shall issue to the taxpayer, subject to applicable

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limitations in IITA Section 905 (see 86 Ill. Adm. Code 100.9070), a notice of deficiency which shall set forth the amount of tax and any penalties proposed to be assessed. (See IITA Section 909(a) 904(c).) Note that, in the absence of a written protest of the notice so issued (see 86 Ill. Adm. Code 100.9100(a) 200.120(b)), the Department's final action thereunder is not an administrative decision subject to judicial review (except as to jurisdictional questions) under the provisions of the Administrative Review Act (see 86 Ill. Adm. Code 100.9950 9805). If the Department finds that the tax paid exceeds the correct amount, it shall credit or refund the overpayment as provided by IITA Section 909. The Department's findings here under shall be deemed prima facie correct and shall constitute prima facie evidence of the correctness of the amount of tax and penalties due.

b) No return filed.

If any taxpayer fails to file a return required by the Act, the Department under its authority for access to books and records and to conduct examinations, investigations, and hearings provided in IITA Sections 913 through 916, using any reasonable method in accordance with its best judgment and information, shall determine the correct amount of tax due and without any time limitation (see IITA Section 905(c)) shall issue to the taxpayer a notice of deficiency setting forth the amount of tax and penalties proposed to be assessed. If the books and records made available are determined to be inadequate to clearly reflect the taxpayer's income, the Department may, upon reasonable request, require the taxpayer to furnish additional information. The term "reasonable method", for example, shall include any method or combination of methods to reconstruct the taxpayer's Illinois net income established or acceptable under federal 26 U.S.C. Section 446, e.g., methods based in whole or part on cash register receipts, specific items of income or expense, bank deposits, expenditures (including use of the rule in *Cohan v. Commissioner*, 39 F. 2d 540 (2d Cir.), to determine the amounts of allowable expenses), net worth, or other acceptable or accepted method. (In this connection see also 86 Ill. Adm. Code 100.9050(a)(4).) The Department's determination shall be deemed prima facie correct and shall constitute prima facie evidence of the correctness of the amount of tax due.

c) Notice of deficiency.

A notice of deficiency issued under the Act shall set forth the reasons therefor and a basis sufficient to inform the taxpayer of the adjustments giving rise to the proposed assessment. In case a joint return was filed, the Department may issue a single joint notice of deficiency to the taxpayers unless it has been notified by either of the spouses that separate residences have been established

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in which case it shall issue the joint notice of deficiency to each spouse.

d) Assessment when no protest.

The amount of tax and penalties specified in a notice of deficiency shall be deemed assessed upon the expiration of 45 days (150 days if the taxpayer is outside the United States) from the date of issuance to the taxpayer except only for such amounts as to which the taxpayer shall have filed a protest as provided in IITA Section 908. (See 86 Ill. Adm. Code 100.9100(a) 200.120(b).)

(Source: Amended at 14 Ill. Reg. 10082, effective June 7, 1990.)

Section 100.9070 Limitations on Notices of Deficiency (IITA Section 905)

a) In general.

With respect to a taxable year for which a taxpayer filed a return, no deficiency shall be assessed or collected except as otherwise provided in the Act unless the Department issues a notice of deficiency not later than 3 years after the later of the last day prescribed for filing or the date the return was filed. See Section 100.970 subsection (h) regarding when a return is deemed filed.

b) Omission of more than 25% of income.

If a taxpayer omits from base income an amount in excess of 25% of the amount of base income stated in the return, a notice of deficiency may be issued at any time not later than 6 years after the date of the return 25% of income.

If a taxpayer omits from base income an amount in excess of 25% of the amount of base income stated in the return, a notice of deficiency may be issued at any time not later than 6 years after the date of the return was filed. There shall not be taken into account as an amount omitted from base income any amount disclosed in the return or in a statement attached thereto in a manner adequate to apprise the Department of its nature.

c) No return or fraudulent return.

If no return is filed or a false and fraudulent return is filed with intent to evade the tax imposed by the Act, a notice of deficiency may be issued at any time. The issuance of a notice of deficiency under IITA Section 904(b) (see 86 Ill. Adm. Code 100.9060(b)) does not cause the running of any limitations period to begin.

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d) Failure to report federal ~~ex-State~~ change*

If a taxpayer fails to notify the Department of an alteration or change required by IITA Section 506(b), a notice of deficiency may be issued at any time. The assessment proposed in any such notice of deficiency shall be limited to the amount of deficiency resulting under the Act from recomputing the taxpayer's base income ~~allowable to the taxpayer~~ for the taxable year by giving effect to the item(s) subject to the notification requirements of the preceding sentence. Inasmuch as IITA Section 506(b) requires the filing with the Department of a notification of alteration within the 120-day period therein (see 86 Ill. Adm. Code 100.9050(a)(3)(4)), a notice of deficiency may be issued at any time in absence of such notification and shall be limited in the same manner as that described in (e) below. ~~In the case of alterations and changes on income tax returns of other estates, notification to the Department shall only be required for such alterations and changes occurring on or after January 1, 1988.~~

e) Report of federal ~~ex-State~~ change*

In any case where a taxpayer has given notification to the Department of an alteration as required by IITA Section 506(b), the Department, not later than 2 years after the date such notification is received, may issue a notice of deficiency proposing assessment limited to the amount of deficiency resulting under the Act from recomputing the taxpayer's base income ~~allowable to the taxpayer~~ for the taxable year by giving effect to the item(s) specified in the notification of alteration.

f) Extension by agreement*

Where before expiration of the time otherwise prescribed in this section for issuance of a notice of deficiency pertinent to a return or returns for one or more taxable years the Department has obtained the taxpayer's written consent to issuance after such time, then a notice of deficiency for any or all of such years may be issued at any time prior to the expiration of the extended period so agreed upon. In addition to one original on Form IL-872, Consent Fixing Period of Limitation upon Assessment of Income Tax, carbon copies (or photocopies) thereof are to be prepared (for execution as duplicate originals) in number equal to the number of taxable years involved. After proper execution and submission by the taxpayer, the consent will become effective upon acceptance and authorized execution on behalf of the Department, after which one executed duplicate copy will be mailed to the taxpayer; one of the original and remaining executed copies shall be attached to each of the original returns for the involved taxable years. Similarly, prior

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to its expiration, such extended period may be successively further extended for any or all of such taxable years by the obtaining of a further written consent. If other reason fails to execute and furnish Form IL-872 for a taxable year or years which otherwise soon would become barred, the Department's recourse ordinarily is to issue a notice of deficiency, which is timely and within previously extended periods under IITA Section 905, setting forth adjustments and reasons therefor under IITA Section 904(c). On the other hand, where the Department has not requested Form IL-872, a taxpayer can prevent the expiration of the statutory period during which a credit or refund may be made in connection with items he specifies therein by filing a claim for refund in accord with IITA Section 909(d) within the time limitations imposed in IITA Section 911. (See 86 Ill. Adm. Code 100.9110 and 100.9130)

g) Erroneous refunds*

In any case where tax payable under the Act has been erroneously refunded, a notice of deficiency not to exceed the amount to be refunded may be issued within 2 years from the date of the refund, or within 5 years therefrom if it appears that any part of the refund was induced by fraud or misrepresentation of a material fact.

h) Time return deemed filed*

For purposes of this section, a return filed before the last day prescribed by law (including any extensions of time for filing) shall be deemed to have been filed on such last day. The last day prescribed for filing returns shall include any automatic extensions of time for filing.

i) Request for prompt determination of liability*

1) In general*

In the case of a tax return required under the Act in respect of a decedent, or by his estate during the period of administration or by a corporation meeting the conditions stated in (c) below, in lieu of the 3-year limitations period in IITA Section 905(a)(1) which ends 3 years after the date the return was filed, such period if earlier shall end 18 months after the filing with the Department of three executed copies of a written request for prompt determination of liability by the executor, administrator, or other fiduciary representing the decedent's estate or by an officer authorized to act for such corporation or by the fiduciary provided if required under IITA Section 502(b)(4).

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2) Purpose; evidence of authority to act

The written request to be effective must be transmitted separately from and after the filing of the return and in a manner sufficient to put the Director of Revenue on notice of the request for prompt determination of liability. The shortened limitations period does not apply if more than 25% of base income is omitted from the return or in case of a false or fraudulent return or where not return has been filed (see 86-111--Adm--Code-100-9070 subsections (b) and (c)). If not previously filed with the Department, there should be furnished with the written request in respect of a decedent copies of Letters Testamentary or of Administration, properly certified true and in full force and effect within 3 months of the day submitted. In the case of a corporation, consistent with the provisions in the IITA Sections 503(a) and (b), the signature (with his title) of the president, vice-president, or treasurer shall be prima facie evidence of his authority.

3) Corporate intent and undertaking to dissolve

For application of this subsection in case of a corporation, such written request must notify the Department, as of the date thereof:

- A) that the corporation contemplates dissolution at or before the expiration of the limitations period of 18 months (or less as the case may be), in which case the dissolution (for example, the proceedings required by applicable state law after the filing of an intent to dissolve) must in good faith be undertaken within and dissolution must be completed (under the State law requirements) by the termination of such period;
- B) that a dissolution has in good faith begun if such is a fact, in which case the dissolution must be completed by the termination of such limitations period; or
- C) that, if such is a fact, the dissolution is completed.

j) Withholding tax

In the case of returns required under Article 7 of the Act relating to amounts withheld, or required to have been withheld, as tax a notice of deficiency may be issued at any time not later than 3 years after the 15th day of the 4th month following the close of the calendar year in which such withholding was required. (Effective for taxable years ending after December 30, 1973.)

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(Source: Amended at 14 Ill. Reg. 10082, effective June 7, 1990)
Section 100.9110 Credits and Refunds (IITA Section 909)

a) In general

The Department may credit the amount of any overpayment including interest allowed thereon against any liability for tax imposed under the IITA or any other Act administered by the Department on the person who made the overpayment, and it shall refund the balance to such person. (See Section 39e of the Civil Adm. Code of Illinois, Ill. Rev. Stat. 1985 1989, ch. 127 par. 39e).

b) Credit against estimated tax

An individual or corporate taxpayer by filing a return for the taxable year using the appropriate form and checking the appropriate box thereon in accord with the instructions shall have the amount of any overpayment or portion thereof credited thereafter against his estimated tax liability for the next succeeding taxable year.

c) Interest on overpayments

1) General rule

Subject to the provisions of this paragraph interest shall be allowed and paid upon any overpayment in respect of the tax imposed by the Act at a rate determined by reference to IITA Section 909(c). Where there is a dispute between a taxpayer and the Department regarding the amount of interest that is due, see 86 Ill. Adm. Code 100.9110(f)(6).

2) Overpayments

The overpayment in respect of any tax imposed by the Act includes any penalties assessed under IITA Section 1002(e), and any interest assessed on tax or on penalty under IITA Section 1003. For this purpose, an overpayment is any creditable or refundable portion of taxes, penalty, or interest which was previously paid.

3) Date of overpayment

- A) The date of overpayment is the date of payment of any tax which thereafter becomes or is determined to be refundable or creditable for the taxable year, except as provided in subparagraph subsection (B). There can be no overpayment of tax prior to the last day prescribed for filing the

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return, nor until the entire tax liability for the taxable year is satisfied, nor until the return is filed for the taxable year. Therefore, the date or dates of overpayment are the date of payment of the first amount which (when added to previous payments) exceeds the tax liability (including any interest or penalties) for the taxable year and the date or dates of any subsequent payment(s) made with respect to such tax liability, which in any event cannot be earlier than the last day prescribed for filing the return for the year, nor earlier than the date the return is filed. The "last day prescribed for filing the return" for purposes of this subsection and subsection (d) is the original due date, not the extended due date, if any.

B) In the case of a federal change due to the final allowance of a carryback from a loss year ending prior to December 31, 1986, under the provisions of the Federal Internal Revenue Code, the date of overpayment shall be as of the close of the taxable year in which the deduction, losses, or other item or event occurred which created the federal carryback, or the date when the return for the carryback year is filed, whichever ever is later.

C) In the case of a federal change due to the final allowance of a carryback or carryforward from a loss year ending on or after December 31, 1986, and in the case of an Illinois change due to the carryforward or carryback of an Illinois net loss, Illinois investment credit, jobs credit, replacement tax credit, or other credit (other than estimated or tentative tax credit) from a loss or credit year ending on or after December 31, 1986, the date of overpayment shall be the date the claim for refund is filed, except that if any overpayment is refunded within 3 months of the date the claim for refund is filed, determined without regard to processing by the Comptroller, no interest shall be allowed on such overpayment.

d) Period for which interest is allowable-

1) In general-

Interest shall be allowed and paid from the date of overpayment to a date determined by the Director or his delegate, which shall be not more than 30 days prior to the date of any refund or credit. However, no interest shall be allowed on the amount of tax overpaid if such amount is refunded or credited within the later of three months after the last date prescribed for

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filing the return of such tax or within three months after the return was filed, determined without regard to processing by the Comptroller.

2) Estimated tax for succeeding year-

Notwithstanding any other provision of this section, if a taxpayer elects on his return for the taxable year to have all or part of any overpayment shown on such return applied as an estimated tax payment for the succeeding taxable year, no interest shall be allowed on such portion of the overpayment so credited and such amount shall be applied as a payment on account of the estimated tax for such succeeding year or the installments thereof.

e) Examples-

86 Ill. Adm. Code 100.9110(a) through (d) may be illustrated by the following examples:

1) Example 1: T, a calendar year taxpayer, receives an extension to June 30, 1972, to file his 1971 return. On April 15, 1972, T files a tentative return pursuant to IRTA Section 602(a) showing an estimated liability of \$500 which has been paid through withholding, estimated tax payments, or as a payment with the tentative return of the tax properly estimated to be due. On June 15, 1972, T files his 1971 return showing a tax liability of \$3,000 including interest for late payment and remits \$2,500 which in addition to the \$500 paid as indicated satisfies the liability shown on his return. On August 15, 1972, T files a claim for refund for \$1,500 as an overpayment of 1971 tax. The date of overpayment for the computation of any interest thereon would be June 15 which is the date when payments first exceeded his liability as now when as a result of his claim for refund, and which is the date when the return for the taxable year was first filed. See Example 2 for application for the 3 month rule.

2) Example 2: Assume the same facts as in Example (1) and that T's refund claim of \$1,500 was allowed and paid on September 1. No interest would be allowed because the refund was made within 3 months of June 15, the date the final return for the taxable year was filed. If the refund was made on October 1, interest would be allowed from June 15 to a date which would be not more than 30 days prior to October 1.

3) Example 3: W, a calendar year taxpayer, files his return on March 7 and claims a refund as a result of excess withholding.

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the claimant as a receipt. Upon the Department's receiving the claim and the two photocopies of page 1 thereof if attached, the Director's designee shall place there on the Department's Date Received Stamp and sign in ink his initials therein, after which one photocopy shall be removed and mailed to the claimant for his use as a receipt. In absence of a photocopy of the claim form (so stamped and initialed) being attached to the original claim or being produced by the claimant, copies of the Department's records certified true by the Director or his designee shall be deemed prima facie correct to show whether or not a claim was filed and if so the date upon which it was received by the Department. Furthermore, the Department's records as to the date that the claim was date received in the Department's mail room shall be prima facie evidence that the postmark date on the claim was ten days prior to that date.

3) Amended return as claim; limited use

In an instance where a return for the taxable year is filed early, the latest received by the Department of any further return or amended return filed by the taxpayer on or before the last day prescribed for timely filing shall constitute and be accepted as his return for the taxable year. Therefore, if a return showing a tax liability for the taxable year has been filed with the Department and the tax paid and the due date prescribed for filing that return has not passed, any claim for refund filed prior to that date shall be made by the filing of a further return marked "CORRECTED", showing the amount of the tax overpayment to be refundable. Form IL-1040X and Form IL-1120X shall be used for this purpose by individuals and corporations.

4) Claim form; federal change

If, on the other hand, the due date for filing a return has passed and under the Act an overpayment based on a federal change has arisen, in addition to meeting the requirements of IITA Section 506 a claim for refund based on such change should be made by the filing (following the instructions thereon) of a notice of such change on Illinois Form IL-843, Form IL-1040X, or Form IL-1120X, as appropriate. To meet the requirements of IITA Section 909(d) for stating specific grounds, there should be within the Form or on an attachment an explanation in detail sufficient to show the nature of the items of change or alteration. If helpful or otherwise appropriate to show the grounds and to compute the amount claimed as refundable, another return marked "AMENDED" may be attached or filed in connection with the Form IL-843. Further, where a claim for refund is filed

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The refund is made July 1. No interest would be allowed for the refund was made within 3 months after April 15, which is the later of the last day prescribed for filing the return or the date the return was filed. If with the same facts the refund is made July 28, interest would be allowed from April 15 (the date of overpayment).

4) Example 4: X, a calendar year corporation, sustains a federal net operating loss in 1973. X files a federal claim for refund, carrying the loss back to 1970 and receives a refund of federal taxes for 1970 based on the net operating loss carry back. (Refer to 86-111, Adm. Code-100-9110 subsection (f)(4) respecting a federal application for tentative carryback adjustment.) X then files Form IL-1120X claiming an overpayment of 1970 Illinois tax as a result of a federal change in its reported taxable income for 1970. The date of overpayment would be December 31, 1973, the close of the taxable year in which the federal net operating loss occurred (provided an original 1970 IL-1120 had been filed by this date).

f) Refund claim

1) In general

A claim for refund of an overpayment of income tax may be filed with the Department only if a return for the taxable year for which the refund is claimed has been filed. Although a timely return may have the effect of a claim for refund of tax over payment (due to excess withholding or payment under Articles 7 or 8 of the Act) it does not constitute a claim for refund under IITA Section 909(d) and (e) of the Act calling for consideration ~~(see-9)-hereof-and-86-111-Adm-Code-100-9010(b)(1))~~ ~~and-denial-(either-deemed-or-by-notice-see-86-111-Adm-Code-100-9110(g)(1)).~~ A separate claim shall be filed for each taxable year for which an income tax overpayment was made. Every claim for refund shall be in writing, shall be on the appropriate form prescribed by the Department, and (using attachments if necessary) shall state the specific grounds upon which it is founded.

2) Evidence of claim filing

In preparing and filing a claim on either an amended return before the return due date, or after such date has passed on Form IL-843, Form IL-1040X, or Form IL-1120X, a taxpayer may attach two photocopies of page 1 of the original executed claim being filed as a pro forma claim receipt form identifying the claim with a written request that one photocopy be returned to

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based on a federal change giving rise to an overpayment, documentation in form of the original federal documents or correspondence furnished the taxpayer or other satisfactory proof in connection with the change (or true and correct fully legible photocopies thereof) shall be attached evidencing that such federal change, represents an agreed to or final federal Internal Revenue Service (or court imposed) acceptance, recomputation, redetermination, change, tentative carryback adjustment or settlement; and it shall be stated or shown that no contest thereof is pending. In this connection, the payment received as the result of the filing of an application for a tentative carryback adjustment (on Form 1045 or Form 1139) pursuant to 26 U.S.C. 6411 is a change reportable under IITA Section 506. A claim for refund of an overpayment of Illinois income tax occasioned by the payment of a tentative carryback adjustment may be filed on Form IL-1040X and Form IL-1120X. A premature or incomplete claim on Form IL-843, Form IL-1040X, or Form IL-1120X shall not constitute a claim for refund within the meaning of IITA Section 909(d), nor the purposes of commencing the 6-month period in ~~paragraph~~ subsection (g) below. Upon any claim being received and identified as premature, incomplete, or otherwise defective under the Act, the Department as soon as practicable shall notify the taxpayer thereof in writing to enable if possible the timely submission of a mature and perfected claim.

5) Claim form; no federal change.

If a return showing tax due for the taxable year has been filed and the tax paid and an overpayment based on a purely Illinois change has arisen and not based to any extent on a change in federal income tax liability, any claim for refund should be made by the filing (following the instructions thereon) of Illinois Form IL-843, Form IL-1040X (individuals), or Form IL-1120X (corporations), as appropriate, using if necessary an attachment to set forth in detail each specific ground for refund, and if appropriate another return marked "AMENDED" may be attached to or filed in connection with the Form IL-843. Pertaining to purely Illinois changes, Forms IL-843, IL-1040X and IL-1120X are designed for use not only to claim a refund of tax overpayment but also to report an increase in the amount of previously reported or determined income tax liability for the taxable year.

6) Informal claim not permitted; disputes regarding the amount of interest due.

In all cases where the original return due date has passed,

claims for refund shall be filed using the following forms, as appropriate: Form IL-843, Form IL-1040X and Form IL-1120X. These forms may also be used by taxpayers to claim additional interest where there is a dispute regarding the amount of interest that is due from the Department relative to a refund. Such claims for additional interest must be filed either within the 45-day protest period for claim denials (see IITA Section 910) or within the limitations period for filing claims for refund for the taxable year for which the interest is due (see IITA Section 911). See 86 Ill. Adm. Code ~~100.9149~~ 200.120 for procedure on protest. An "informal claim", such as a letter from the taxpayer, is insufficient for the purpose of establishing or extending any of the limitations in IITA Section 905 911 or in ~~paragraphs~~ subsections (g) and (h) of this section.

g) Notices of refund or denial.

1) In general.

The Department shall examine a claim for refund, in connection as appropriate with the return for the taxable year to which it relates, as soon as practicable after it is filed to determine the correct amount of tax and the amount of any refundable overpayment to which the claimant-taxpayer may be entitled. If for the taxable year involved the Department finds the claimant entitled to a refund in any amount, it shall issue an appropriate notice of refund, abatement, or credit (see paragraph (b)). If the Department has failed to approve or deny the claim before the expiration of 6 months from the date the claim was filed, the claimant may nevertheless thereafter file with the Department a written protest addressed in accordance with the instructions in the applicable claim form (IL-1040-X, IL-1120-X, or IL-843). If a protest is filed, the Department shall consider the claim and, if the taxpayer has so requested, shall grant the taxpayer or the taxpayer's authorized representative a hearing within 6 months after the date such request is filed.

2) Notice of denial; notice of deficiency as denial.

However, if the Department finds that the claim for refund is not allowable and proposes to issue a notice of denial or if taking into account the claim nevertheless finds adjustments which are a basis for proposing an increase in the amount of tax liability over that shown on the return, or decreasing it by an amount less than that claimed as refundable, the Department shall issue a notice of deficiency under IITA Section 904(c) (see 86 Ill. Adm. Code 100.9060(a)) or it shall issue a

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notice of denial or partial denial of the claim. In the event that a notice of deficiency is issued which indicates that the claim for refund was considered, such notice (of deficiency) shall constitute (concurrently) a notice of denial of the claim. Note that, in the absence of a written protest (of the notice of deficiency or denial) so issued (see 86 Ill. Adm. Code 100.9120(a) 200.120(b)), the Department's final action thereunder is not an administrative decision subject to judicial review (except as to jurisdictional questions) under the provisions of the Administrative Review Act (see 86 Ill. Adm. Code 100.9050 9805).

h) Effect of denial

Denial of a claim becomes final 45 days thereafter (irrespective of whether the claimant is outside the United States) except to the extent (in whole or part) that the claimant in the meantime shall have filed a protest, as provided by IITA Section 910 (see 86 Ill. Adm. Code 100.9200 200.120(b)), against the denial of amounts claimed as refundable. In the absence of a written protest of the denial of the claim for refund, the Department's final action thereunder is not an administrative decision subject to judicial review (except as to jurisdictional questions) under the provisions of the Code of Civil Procedure (see 86 Ill. Adm. Code 100.9050 9805).

i) Time for protest

If after a claim for refund is denied by issuance of a notice of denial (see 86 Ill. Adm. Code 100.9110(g)(2)) a written protest against such denial is filed by the taxpayer within 45 days thereafter (irrespective of whether the taxpayer is outside the United States), the Department shall reconsider the denial and, if requested, shall grant the taxpayer or his authorized representative a hearing, as provided for in IITA Section 914. See 86 Ill. Adm. Code 200 for protest and hearing procedures.

(Source: Amended at 14 Ill. Reg. 10082, effective June 7, 1990)

Section 100.9130 Limitations on Claims for Refund (IITA Section 911)

a) In general

With respect to a taxable year for which a claimant taxpayer has filed a return, or tax was paid, no claim shall be filed and no credit or refund shall be allowed or made, except as otherwise provided in the Act, if the claimant files a claim for refund after the later to occur of the expiration of the 3-year period after the date the return was filed (in the case of returns under Article 7 for

amounts withheld as tax, not later than 3 years after the 15th day of the 4th month following the close of the calendar year in which such withholding was made effective for taxable years ending after December 30, 1973), or one year after the date the tax was paid.

b) Federal estate changes

Irrespective of whether notification of an alteration required by IITA Section 506(b) is given by a claimant-taxpayer, a claim for refund may be filed not later than two years after the date such notification was due. The recoverable amount of a claim filed hereunder is limited to any overpayment resulting from a change in the taxpayer's base income allocable to Illinois reflecting the items of adjustment in the alteration required to be reported. IITA Section 506(b) requires that a notification of the alteration, showing the taxpayer's address and signed by him or his representative, be filed with the Department not later than 120 days (120 days for federal estate changes occurring on or after July 1, 1986) after such alteration has been agreed to or finally determined for federal estate income tax purposes or, if earlier, not later than 120 days (120 days for federal changes occurring on or after July 1, 1986) after any federal income tax deficiency or refund, tentative carryback adjustment, or abatement or credit resulting therefrom, has been assessed or paid. However, in the case of tentative carryback adjustments paid pursuant to IRC Section 6411 before January 1, 1974, a claim for refund of an overpayment may be filed any time prior to January 1, 1976. In the case of an original filing of an income tax return of another state, any Illinois claim resulting therefrom must be filed within the limitations period provided by IITA Section 911(a) or pursuant to an extension provided by IITA Section 911(e).

c) Extension by agreement

Where before expiration of the time otherwise prescribed in this section for the filing of a claim for refund, pertinent to a particular taxable year (or years) for which there has been filed a return (or returns), the Department has obtained (on Form IL-872) the claimant-taxpayer's written consent to the filing after such time, then a claim may be filed at any time prior to the expiration of the period agreed upon. Similarly, prior to its expiration such extended period may be successively further extended for any or all such taxable years by the obtaining of a further written consent (see 86 Ill. Adm. Code 100.9070(f)). The Act does not provide (as does 26 U.S.C. 6511(e)(3)(B)) that a claim shall be timely if filed within 6 months after the expiration of the period in which an assessment pursuant to an extension agreement or extension thereof may be made.

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- d) Limit on amount of credit or refund⁺
1) Limit where claim filed within 3-year period⁺

With respect to a taxable year for which a claimant-taxpayer has filed a return and during the 3-year period in subsection (a) above has filed a claim for refund, the amount of the credit or refund shall not exceed the portion of the tax paid within the period immediately preceding the filing of the claim, equal to 3 years plus the period of any extension of time for filing the return. For the purposes of this subsection and IITA Section 911(d)(1), any amount paid on account of withheld tax or estimated tax (see Articles 7 and 8 of the Illinois Income Tax Act) or any other payment paid as tax or in respect of tax imposed by the Act (for example tax paid with a return filed before the due date) shall be deemed to have been paid not earlier than the last day prescribed for filing the return (irrespective of extensions) for the taxable year for which such payments are applicable. If the claim is filed after expiration of the 3-year period in subsection (a) but prior to the expiration of an agreed to extended period for assessment of the tax, the recoverable amount is limited to that which could have been allowed if the claim were filed at the time of the execution of the extension agreement plus the tax paid thereafter up to the time the claim was (timely) filed.

- 2) Limit where claim not filed within 3-year period⁺

Irrespective of whether a return was filed, if the claim was not filed within the 3-year period in subsection (a) hereof or within an agreed-to extended period for assessment of tax, the amount of credit or refund shall not exceed the portion of the tax paid during the one year immediately preceding the filing of the claim.

- e) Time return deemed filed⁺

For purposes of this section, a tax return filed before ~~or after~~ the last day prescribed by law for the filing of such return ~~determined without regard to any extension thereof~~ (including any extensions thereof) shall be deemed to have been filed on such last day.

- f) Special Period of Limitation with Respect to Net Loss Carrybacks from loss years ending on or after December 31, 1986.

The 3-year period of limitation prescribed in subsection a) does not apply if the claim for refund relates to an overpayment attributable to a net loss carryback provided by IITA Section 207. Instead, the

period of limitation shall be that period which ends 3 years after the time for filing the return (including extensions thereof) for the taxable year in which the net loss occurs, or the period prescribed in subsection c) in respect of such taxable year, whichever expires later. The amount of the refund may exceed the portion of the tax paid within the period provided in subsection d) to the extent of the amount of the overpayment attributable to the net loss carryback.

(Source: Amended at 14 Ill. Reg. 10082, effective June 7, 1990)

Section 100.9140 Recovery of Erroneous Refund (IITA Section 912)

An erroneous refund shall be considered a deficiency of tax on the date made, and shall be deemed assessed and shall be collected as provided in IITA Sections 903 and 904 (see 86 Ill. Adm. Code 100.9050, 100.9060 and 100.9070(g)). IITA Section 1003(f) provides that any portion of the tax imposed by the Act or any interest or penalty which has been erroneously refunded and which is recoverable by the Department shall bear interest at the rate of 6% per annum (or at such adjusted rate as is established under Section 6621(b) of the Internal Revenue Code) from the date of payment of such refund.

(Source: Amended at 14 Ill. Reg. 10082, effective June 7, 1990)

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of Part: Illinois Safety Responsibility Law

2) Code Citation: 92 Ill. Adm. Code 1070

3) Section Numbers Adopted Action

1070.50

Amendment

4) Statutory Authority: Implementing and authorized by the Illinois Safety Responsibility Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 7-100 et seq.)

5) Effective Date of Amendments: June 12, 1990

6) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒

7) Does this amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: June 12, 1990

9) Notice of Proposal Published in Illinois Register: 14 Ill. Reg. 2526 (February 16, 1990).

10) Has JCAR Issued a Statement of Objections to this Rule? No.

11) Differences between proposal and final version.

Pursuant to suggestions from the Administrative Code Division, Office of the Secretary of State, the following changes were made:

In the Authority Note, "of the Illinois Vehicle Code" was added.

At Section 1070.50(a) in the definition of "Foreign Judgment", the last line, "(a)" was added immediately after 12-601 in the cite and "et seq." was deleted from the new language.

At Section 1070.50(b), line 4, "of the Illinois Vehicle Code" was added immediately after "Illinois Safety Responsibility Law" and in line 5, the word "Section" was capitalized.

At Section 1070.50(e), line 7, "of the Illinois Vehicle Code" was added immediately after "Illinois Safety Responsibility Law."

There were no agreements or discussions regarding this proposed rulemaking made with the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the Agreement Letter issued by JCAR? Yes.

13) Will this rule replace any Emergency Rule(s) currently in effect? No.

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14) Are there any other amendments pending on this Part? No.

15) Summary and Purpose of Rule: This proposed rulemaking as amended, contains the requirements necessary to suspend a person's driving privileges for failure to satisfy a foreign judgment.

16) Information and answers to questions regarding this Adopted Rule should be directed to:

Nancy S. Short
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
Tel: 217/782-5356

The full text of the Adopted Rule begins on the next page.

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1070

ILLINOIS SAFETY RESPONSIBILITY LAW

Section

1070.10 Forms of Security

1070.20 Future Proof

1070.30 Installment Agreements

1070.40 Disposition of Security

1070.50 Failure to Satisfy Judgment

1070.60 Release From Liability

1070.70 Incomplete Unsatisfied Judgment

1070.80 Driver's License Restriction for

Exclusive Operation of Commercial Vehicles

AUTHORITY: Implementing and authorized by the Illinois Safety Responsibility Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 7-100 et seq.).

SOURCE: Filed and effective December 17, 1971; codified at 6 Ill. Reg. 12674; repealed at 7 Ill. Reg. 13678, effective October 14, 1983; new part adopted at 11 Ill. Reg. 20215, effective November 30, 1987; amended at 14 Ill. Reg. 10107, effective June 12, 1990.

Bold type indicates statutory language.

Section 1070.50 Failure to Satisfy Judgment

- a) For purposes of this Section, the following definitions shall apply:
- "Department" - Department of Driver Services within the Office of the Secretary of State.

"Foreign Judgment" - means any judgment, decree or order of the court of the United States or of any State or Territory which is entitled to full faith and credit in this state as provided in Section 12-601(a) of the Uniform Enforcement of Foreign Judgments Act. (Ill. Rev. Stat. 1987, ch. 110, par. 12-601(a).)

"Illinois Insurance Guarantee Fund" - section of the Illinois Department of Insurance which deals with disposition of assets following bankruptcy.

"Judgment Debtor" - person who owes money to someone due to court judgment against him/her.

"Secretary of State" - Secretary of State of Illinois.

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- b) The Secretary of State shall not suspend the driver's license, registration certificates, registration stickers or license plates of a judgment debtor if the conditions set forth in Section 7-303(d) of the Illinois Safety Responsibility Law of the Illinois Vehicle Code and subsections (c) and (d) of this Section have been met.

- c) The Department shall accept notification from the Illinois Insurance Guarantee Fund as proof that the judgment debtor was insured by the defunct insurance company at the time of the accident.

- d) The Department shall accept a copy of the new policy or letter from the home office of the judgment debtor's new insurance company as proof to establish that in fact the judgment debtor has secured a new liability policy or bond.

- e) If a suspension is entered against a person's driving privileges in the Illinois Vehicle Code, the Secretary shall suspend the driving privileges of all drivers who have not satisfied a judgment rendered against them as provided in Sections 7-303, 7-312, and 7-313 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code.

- f) The Secretary of State shall suspend a person's driving privileges for failure to satisfy a foreign judgment as provided in Section 7-303 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code. The state in which the foreign judgment was entered shall forward the following information to the Secretary before a suspension will be entered on a person's driving record:

- 1) a transcript of the proceeding or an unsatisfied judgment form certified by the court entering the judgment, and
- 2) a suspension notice showing the person is suspended in the other state, and
- 3) name, address, and date of birth of defendant.

(Source: Amended at 14 Ill. Reg. 10107, effective June 12, 1990)

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1) Heading of Part: Issuance of Licenses

The definition and correct citation for Commercial Driver's License were added to 1030.85(a).

2) Code Citation: 92 Ill. Adm. Code 1030

In Section 1030.55(k), line 1, the words "no pets" was stricken from the text.

3) Section Numbers

1030.55

Amendment

1030.85

Amendment

Appendix A

4) Statutory Authority: Sections 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 2-104(b)) and Sections 6-100 et seq, Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-100 et seq.)

5) Effective Date of Amendments: June 11, 1990

At Section 1030.55(e)(3), line 1, immediately after the word "each", the word "eligible" was added; also in the last line, "9" was deleted.

6) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐

At Section 1030.85(a), in line 3 of the definition of "First Division Vehicles", after "Section 1-217", the words "of the Illinois Driver Licensing Law" were added.

7) Does this amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: June 11, 1990

At Section 1030.85(f), line 6, after the word "facility", the word "location" was also overstruck.

9) Notice of Proposal Published in Illinois Register: 14 Ill. Reg. 2289 (February 9, 1990).

At Section 1030.85(h), line 2, the word "accident" was stricken and the newly proposed language "for which the applicant was determined at fault" was deleted.

10) Has JCAR Issued a Statement of Objections to this Rule? No.

11) Differences between proposal and final version.

Pursuant to suggestions from the Administrative Code Division, Office of the Secretary of State, the following changes were made:

The Source Note was amended to reflect the most recent adoption of a Section of this Part.

In the Table of Contents, Section 1030.95, "Diplomatic and" was deleted since it was changed in a recent rulemaking.

The definition of "Restriction" was changed in Section 1030.55(a) to read as follows: Requirement or condition added to a driver's license which first must be met by the license holder before he/she may legally operate a motor vehicle.

In Section 1030.55(a) "For-Profit Ridesharing Arrangement", the following was added: (Section 902 of the Ridesharing Arrangements Act (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 902)) was added; also in 1030.55(d), lines 5 and 10, the phrase "the Illinois Driver Licensing Law of the" preceding Illinois Vehicle Code was added; additionally, in 1030.55(f), the word "paragraph" was changed to "subsection".

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the Agreement Letter issued by JCAR? Yes.

13) Will this rule replace any Emergency Rule(s) currently in effect? No.

14) Are there any other amendments pending on this Part?

Section Numbers	Proposed Action	Illinois Register Citation
1030.16	New Section	14 Ill. Reg. 7130 (May 11, 1990)
1030.50	Amendment	14 Ill. Reg. 2530 (February 16, 1990)
1030.60	Amendment	14 Ill. Reg. 2530 (February 16, 1990)

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1030.81	New Section	14 Ill. Reg. 5060 (April 6, 1990)
1030.84	Amendment	14 Ill. Reg. 2852 (February 23, 1990)
1030.92	Amendment	14 Ill. Reg. 2852 (February 23, 1990)
1030.94	Amendment	14 Ill. Reg. 1902 (February 2, 1990)

- 15) Summary and Purpose of Rule: The statutory authority for this rulemaking is Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)) and Section 6-100 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-100 et seq.)

- 16) Information and answers to questions regarding this Adopted Rule should be directed to:

Nancy S. Short
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
Tel: 217/782-5356

The full text of the Adopted Rule begins on the next page.

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1030
ISSUANCE OF LICENSES

Section	What Persons Shall Not be Licensed or Granted Permits Procedure for Obtaining a Driver's License
1030.10	Cite for Re-examination
1030.11	Classification of Drivers-References
1030.15	Classification Standards
1030.20	Fifth Wheel Equipped Trucks
1030.30	Bus Driver's Authority, Religious Organization
1030.40	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.50	Employer Certification Program
1030.55	Religious Exemption for Social Security Numbers
1030.60	Instruction Permits
1030.63	Driver's License Testing/Vision Screening
1030.65	Driver's License Testing/Vision Screening With Vision Aid
1030.70	Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
1030.75	Driver's License Testing/Written Test
1030.80	Vehicle Inspection
1030.84	Driver's License Testing/Road Test
1030.85	Multiple Attempts/Road Test
1030.86	Exemption of Facility Administered Road Test
1030.88	Temporary Licenses
1030.89	Requirement For Photograph and Signature of Licensee
1030.90	On Driver's License
1030.91	Disabled Person/Handicapped Identification Card
1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit
1030.95	Consular Licenses
1030.100	Anatomical Gift Donor
1030.110	Emergency Medical Information Card
1030.115	Change-of-Address
1030.120	Issuance of a Probationary License
1030.130	Grounds for Cancellation of a Probationary License
Appendix A	Questions Asked of a Driver's License Applicant
Appendix B	Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-100 et seq.) and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)).

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674;

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amended at 9 Ill. Reg. 2746, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986, amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1988; amended at 13 Ill. Reg. 15112, effective August 22, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4370, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990.

Section 1030.55 Commuter Van Driver Operating a For-Profit Ridesharing Arrangement

For purposes of this Section, the following definitions shall apply:

"Commuter Van" - a motor vehicle designed for the transportation of not less than 7 or more than 16 passengers, which is used in a ridesharing arrangement.

"For-Profit Ridesharing Arrangement" - the transportation by motor vehicle of not more than 16 persons (including the driver), for which a fee is charged. (Section 902 of the Ridesharing Arrangements Act (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 902.))

"P" Endorsement" - an indication on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons including the driver.

"Restriction" - requirement or condition added to a driver's license which must first be met by the license holder before he/she may legally operate a motor vehicle.

(b) Pursuant to the provisions of Section 6-106.4 of the Illinois Driver Licensing Law of the Illinois Vehicle Code, (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-106.4), an individual who applies for driving privileges to operate a commuter van in a for-profit ridesharing arrangement, shall be required to take and successfully complete a test of his or her driving ability while operating a commuter van. The standards for successfully completing this driving test shall be the same as those utilized for other ~~Class AC~~ or ~~Class BD~~ type ~~license~~ driving tests using other vehicles.

c) The driving test required in a for-profit ridesharing arrangement shall be taken and successfully completed in a commuter van as defined in Section 1-114.1 of the Illinois Vehicle Code, (Ill. Rev. Stat. 1984, ch. 95 1/2, par. 1-114.1); however, this commuter van need not be the same commuter van as will be used in the for-profit ridesharing arrangement.

d) Upon successful completion of the driving test as specified in subsection (4b) above showing the individual's ability to exercise reasonable care in the safe operation of commuter vans used in for-profit ridesharing arrangements and if the other requirements for licensure as stated in Section 6-106.4 of the Illinois Driver Licensing Law of the Illinois Vehicle Code, (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-106.4), are met, a special 414 "J" restriction and 17 "P" endorsement when required shall be shown on the individual's driver's license. The individual shall be required to pay a corrected driver's license fee of \$5.00 as defined in Section 6-118(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code, (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-118(a)), if he or she applies for this special restriction and/or endorsement at a time other than his or her regular renewal date.

e) In the event a for-profit ridesharing arrangement driver is convicted of any of the offenses listed in Section 6-106.4(5) of the Illinois Driver Licensing Law of the Illinois Vehicle Code, (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-106.4(5)), that person's authority to operate a for-profit ridesharing arrangement vehicle shall be removed in the following manner:

- 1) The Secretary of State shall notify the for-profit ridesharing arrangement driver he/she is no longer eligible for such authorization to operate a for-profit ridesharing arrangement vehicle.
- 2) Such licensee must surrender his/her Illinois driver's license within 10 days after receiving such notification in order to have the authority to operate a for-profit ridesharing arrangement vehicle removed from his/her driver's license.
- 3) A corrected driver's license shall be issued to each eligible licensee and the applicant will be charged a fee in accordance with Section 6-118(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-118(a)).

f) Failure of such licensee to comply with subsection (e)(2) above of this Section shall result in cancellation of such licensee's Illinois driver's license.

(Source: Amended at 14 Ill. Reg. 10111, effective June 11, 1990.)

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Section 1030.85 Driver's License Testing/Road Test

- a) For the purposes of this Section, terms shall be defined as follows:

"Commercial Driver's License (CDL)" - a driver's license issued by a State to a person, which authorizes that person to drive a certain class of commercial motor vehicle or vehicles. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-500(3).)

"Dangerous Action" - an act by the applicant which could endanger a person or property.

"Driver Services Facility Supervisor/Manager" - employee designated by the Secretary to oversee the operations of the driver services facility personnel (Public Service Representatives and Public Service Clerks).

"Driving Skills" - ability of applicant to perform maneuvers which will be demonstrated during drive test.

"Examiner" - employee of the Secretary of State who is authorized to administer the road test.

"First Division Vehicles" - those motor vehicles which are designed for use to carrying of not more than ten persons as defined in Section 1-217 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-217.)

"Foreign Speaking Applicant" - any applicant unable to understand the oral directions given by the examiner using the English language.

"Religious Organization Vehicle Exemption Restriction" - authority to operate a religious organization bus as described in Section 6-106.2 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-106.2.)

"Road Test" - an actual demonstration of the applicant's ability to operate a motor vehicle as required by Section 6-109 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-109.)

"School Bus Driver Permit" - permit issued to school bus drivers by the Illinois State Board of Education pursuant to 23 Ill. Adm. Code 275.

"Second Division Vehicles" - vehicles which are designed for carrying more than ten persons, those designed or used for living quarters and those vehicles which are designed for pulling or

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carrying property, freight or cargo, those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division, and those motor vehicles of the first division used and registered as school buses as defined in Section 1-217 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-217.)

"Secretary of State" - the Secretary of State of Illinois.

"Violation" - any traffic-related act for which a motor vehicle driver may be arrested and ticketed.

- b) Classification of licenses is established in Sections 1030.20 and 1030.30 of this Part.

- c) Persons applying for a class A, B, or class CD (CDL or Non-CDL) driver's license, a religious organization restriction, for-profit ridesharing arrangement restriction, or senior citizen transportation exemption restriction of a person who must complete a road test, shall be evaluated on the following driving skills: start, posture, use of mirror(s), steering, lane observance, following (too closely), speed (too fast/too slow), parking (up and/or down hill), starting (up and/or down hill), final park, signal (pulling into and away from curb, changing lanes), stop signs, other signs (yield, school, railroad, regulatory, warning, special), traffic lights, backing, turn about, use of clutch or automatic transmission.

- d) In addition to those maneuvers listed in subsection (b) of this Section, persons applying for a class A or B driver's license (CDL or Non-CDL), shall also be evaluated on the following: use of gears, backing, trailer parking, straight line backing, stop at marked line, and predetermined right turn.

- e) In addition to those maneuvers listed in subsection (b) of this Section, persons applying for a school bus driver permit, must complete a road test in a religious organization representative vehicle, which shall consist of the following: skill test of the Illinois Vehicle Code, use of gears, railroad crossing (stop and observation), curb bus (simulate loading/unloading passengers), use of stop arm, use of flasher lights.

- f) Applicants for a class L or class M driver's license, who are required to complete a road test, shall be evaluated by using one of the following drive tests: Motor Vehicle Operator Skill Test; Minimum (Alternate Motorcyclist Operator Skill Test); Minimum (Space-Modified Almost); Permit Test; and Facility Inspection. 5 dot Illinois Department of Transportation Test at Facility Inspection 5 dot

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- 11) In addition to those acts listed in subsection (b) of this section, the following acts will result in the applicant's immediate disqualification for a class of license, letting the cycle fall or falling off a cycle:
- 12) A road test will be considered incomplete for the following reasons: the applicant becomes ill or disabled and is unable to continue the road test, the vehicle develops mechanical problems after the road test has begun, weather conditions make the continuation of the road test hazardous, an accident occurs for which the applicant does not receive a ticket.

13) No persons of 16 years are allowed to accompany the applicant and examiner on the road test. When necessary, exceptions shall be made for foreign speaking applicants who may require a translator and/or exceptions shall also be made for the training of and evaluating evaluation of facility personnel.

14) Any applicant who is suspected by a driver services facility employee of having consumed alcohol and/or drugs must seek the approval of a driver services facility supervisor prior to being administered the road test. If a driver services facility supervisor manager has a reasonable cause to believe that an applicant has consumed alcohol and/or drugs, the applicant shall not be administered the road test. Evidence of alcohol and/or drug consumption shall include but not be limited to one or more of the following conditions:

- 1) the applicant admits he/she has consumed alcohol and/or drugs;
- 2) the applicant has a strong odor of alcohol on his/her breath;
- 3) the applicant's eyes are red and the pupils are dilated;
- 4) the applicant's speech is slurred; or
- 5) the applicant is unsteady when walking.

(Source: Amended at 14 Ill. Reg. 10111, effective June 11, 1990)

Section 1030. APPENDIX A: Questions Asked of a Driver's License Applicant

The following questions shall appear on an application for a driver's license:

- 1) Is your driver's license of privilege to obtain a license suspended/revoked/cancelled or refused in any state under this or any other laws? (If yes, a letter of clearance is required)

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test: SCHOOL / Offstreet Illinois Department of Transportation Motorcycle Operator Skill Test.

- 11) Test statistics for the MOST (Motorcycle Operator Skill Test) for both class L and class M shall consist of the following: that a path, balance, acceleration in a turn (path, time), slowing in a turn (path, time), normal stop (skid, position), turning speed selection (time, path), quick stop, straight (distance, speed), obstacle turn (speed, count), quick stop, turn (path, distance).

12) Test exercises for the ALMOST (Alternate Motorcycle Operator Skill Test), MiniMOST and Specialized ALMOST Offstreet Illinois Department of Transportation Motorcycle Operator Skill Test for both class L and class M, shall consist of the following: stalling, shifting, (improper shift, failure to shift), sharp turn (path, foot down), normal stop (skid, position), cone weave (skips, hits, foot down), U-Turn (path, foot down), quick stop (distance), obstacle turn (path), slow drive (time, path, foot down).

13) Test exercises for the PRESENT and SCHOOL 5 dot test for both class L and class M, shall consist of the following: knowledge of controls, Figure U Walk (walk vehicle without engine running), start from rest, slow drive, gear shifting skill, figure 8 ride, serpentine ride (balanced cone weave), posture, mounting/dismounting.

- g) Test exercises and skills are evaluated on a point system. When the applicant commits an error, he/she is assessed a point or points based upon the severity of the error. Applicants for a class A, B, C, D, religious organization vehicle endorsement, school bus driving permit are allowed thirty (30) points; classes E and M, PRESENT and SCHOOL evaluations shall be allowed twenty (20) points; a class L and M, MOST, ALMOST and MiniMOST evaluation shall be allowed fifteen (15) points. Applicants for a CDL or Non-CDL A, B, C, or D classified license or a religious organization vehicle restriction, for-profit ridesharing arrangement restriction or senior citizen transportation restriction are allowed 36 points. Applicants for a second division school bus permit are allowed 40 points. Applicants for a first division school bus permit are allowed 36 points. Applicants for a class L or M license taking the ALMOST, MiniMOST, or Offstreet Illinois Department of Transportation Motorcycle Operator Skill Test evaluation, shall be allowed 15 points. Applicants for an L or M license taking the 5 dot test shall be allowed 10 points.

- h) The following acts will result in immediate disqualification: attempted violation where an applicant receives a ticket; dangerous action; lack of cooperation or refusal to perform; or letting the cycle fall or falling off a cycle.

NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

- 2) Is your driver's license being held by a court in lieu of bail?
- 3) Has a court found you to have a mental disability or disease or has a court committed you to a mental health facility? (If yes, copies of related court orders and/or a physician's statement will be required.)
- 4) Do you have any condition which might cause a temporary loss of consciousness? (If yes, a physician's statement and medical agreement are required.)
- 5) Do you have any mental or physical condition which might interfere with safe driving? (If yes, a physician's statement is required and a medical agreement may be required.)
- 6) Do you use any drugs, including prescription medication, or alcohol to the extent that they impair your driving ability? (If yes, a physician's statement is required and a medical agreement may be required.)
- 7) Do you wear glasses? Telegraphic lenses _____
Contact lenses? Left _____ Right _____

If you are applying for an Identification Card, review questions 1 and 2; for a Driver's License, review questions 1 through 7; for a Commercial Driver's License, review questions 1 through 11.

- 1) Is your driver's license or identification card or privilege to obtain a license or ID card suspended, revoked, cancelled or refused in any State under this or any other name? (If yes, a Letter of Clearance is required.)
- 2) Do you presently hold a valid driver's license or identification card in this or any other state?
- 3) Is your driver's license being held by a court in lieu of bail?
- 4) Has a court found you to have a mental disability or disease or has a court committed you to a mental health facility? (If yes, copies of related court orders and/or physician's statement will be required.)
- 5) Do you have any condition which might cause a temporary loss of consciousness? (If yes, a physician's statement and medical agreement are required.)
- 6) Do you have any mental or physical condition which might interfere with safe driving? (If yes, a physician's statement is required and a medical agreement may be required.)

7) Do you use any drugs, including prescription medication, or alcohol to an extent that they impair your driving ability? (If yes, a physician's statement is required and a medical agreement may be required.)

8) Are your Commercial Driver's License privileges currently disqualified?

9) During the two year period prior to this date have you:

- a) had in your possession more than one driver's license?
- b) had a license which has been suspended, revoked, or cancelled?
- c) been convicted of an offense which shall disqualify you from obtaining a Commercial Driver's License?
- d) had a traffic violation arising in connection with an accident or had an accident which was your fault?

10) Do you certify:

- a) you are regularly employed in a job requiring operation of a Commercial Motor Vehicle?
- b) you have previously taken and passed a skills test, in a properly classified vehicle, given by a State with a classified licensing and testing system or for at least the past two years have you operated a vehicle representative of the class vehicle for which you are applying for a license?

11) Do you certify:

- a) you meet the "Qualifications of Drivers" portion of Part 391 of the Federal Motor Carrier Safety Regulations, as prescribed in Section 18b-100 of the Motor Carrier Safety Regulations of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 18b-100), or;
- b) you are not subject to these qualifications because _____.

I understand that my social security number will be disclosed to other States pursuant to the Commercial Motor Vehicle Safety Act of 1986. (49 U.S.C. 2706.)

(Source: Amended at 14 Ill. Reg. 10111, effective June 11, 1990)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION

DEPARTMENT OF LABOR

Heading of Part:

Nurse Agency Licensing Act

Code Citation:

68 Ill. Adm. Code 690

Section Numbers:

690.30

Date Originally Published in Illinois Register:January 19, 1990
14 Ill. Reg. 1107

At its meeting on June 5, 1990, the Joint Committee recommends that the Department seek legislation amending Section 4 of the Nurse Agency Licensing Act (Act) (Ill. Rev. Stat. 1989, ch. 111, par. 954) to specifically provide that licensure under the provisions of the Home Health Agency Licensing Act does not relieve home health agencies providing nurse agency services from obtaining licensure required by the Nurse Agency Licensing Act. The Department should respond within 90 days of the receipt of this Statement of Recommendation.

The specific recommendation is as follows:

The Joint Committee recommends that the Department seek legislation amending Section 4 of the Nurse Agency Licensing Act (Act) (Ill. Rev. Stat. 1989, ch. 111, par. 954) to specifically provide that licensure under the provisions of the Home Health Agency Licensing Act does not relieve home health agencies providing nurse agency services from obtaining licensure required by the Nurse Agency Licensing Act.

The rules entitled "Nurse Agency Licensing Act" (68 Ill. Adm. Code 690) implement the provisions of Public Act 86-817, effective July 1, 1990 which requires that any business that employs, assigns, or refers nurses or certified nurse aides to health care facilities must be licensed by the Department of Labor. These rules set forth the procedures and requirements for a business to become licensed as a "Nurse Agency". A "Nurse Agency" means any individual, firm, corporation, partnership or other legal entity that employs, assigns, or refers nurses or certified nurse aides to a health care facility for a fee. Section 690.30(c) provides that "An agency that is licensed as a home health care agency must also be licensed as a nurse agency if it is referring or assigning nurses or certified nurse aides to health care facilities unless the assignment or referral is as a private duty nurse or certified nurse aide for the benefit of a particular individual with payment for the services made by, or on behalf of, that individual." The Department was asked to cite the statutory authority which authorizes this provision.

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ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATIONDEPARTMENT OF LABOR
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The Department cited Section 3(g) of Public Act 86-817 effective July 1, 1990 as the statutory authority which authorizes this provision. Section 3(g) of Public Act 86-817 provides:

"Nurse Agency" means any individual, firm, corporation, partnership or other legal entity that employs, assigns or refers nurses or certified nurse aides to a health care facility, for a fee. The term "nurse agency" includes nurses registries. The term "nurse agency" does not include services provided by home health agencies licensed and operated under the Home Health Agency Licensing Act, as now or hereafter amended, or a licensed or certified individual who provides his or her own services as a regular employee of a health care facility, nor does it apply to a health care facility's organizing nonsalaried employees to provide services only in that facility.

The Department explained that it was the legislative intent of Public Act 86-817 to require Home Health Agencies as defined in the Home Health Agency Licensing Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 2801) to be licensed as a Nurse Agency if in addition to Home Health Care that entity also provided temporary staffing to Health Care Facilities.

Representative Steczo stated on June 27, 1989 in the House of Representatives the following:

Steczko: This legislation would not require dual licensure. Agencies that currently have licensure to provide home health services will not need to be licensed for these services. This legislation strictly will be limited to agencies that provide temporary staffing to hospitals and nursing homes.

In the light of the statement quoted-above indicating that home health agencies would not need to be licensed for nursing agency services, the Department was questioned why the text of its rule required 'dual licensure'. Subsequent research has indicated that the 'intent' of Public Act 86-817 may simply have been to require that licensure under the Act would not relieve an entity from any other applicable licensing

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requirements, and that if an entity performed services which fell under the provisions of both the Act and the Home Health Agency Licensing Act that licensure under both Acts would indeed be required. Nursing agencies making referrals would be licensed under this Act and entities subject to the Home Health Agency Licensing Act would be subject to that Act's provisions. Entities subject to both Acts would require licensure under both Acts.

Due to this perceived ambiguity in the intent and text of the Act, it would seem clarifying legislation amending the Act to provide that the Act is not the only conceivable exclusive licensing entity would be appropriate. There are a variety of methods the Act could be amended to achieve this. One possible method would be the addition of the following statement to Section 4 of the Act: "Licensure under the provisions of the Home Health Agency Licensing Act does not relieve home health agencies providing nurse agency services from obtaining licensure required by the Nurse Agency Licensing Act."

Therefore, the Joint Committee recommends that the Department seek legislation amending Section 4 of the Nurse Agency Licensing Act (Act) (Ill. Rev. Stat. 1989, ch. 111, par. 954) to specifically provide that licensure under the provisions of the Home Health Agency Licensing Act does not relieve home health agencies providing nurse agency services from obtaining licensure required by the Nurse Agency Licensing Act.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION

DEPARTMENT OF LABOR

Heading of Part: Prevailing Wage Hearing ProceduresCode Citation: 56 Ill. Adm. Code 100Section Numbers:

100.5 100.10
100.20 100.22
100.24 100.26
100.30 100.60
100.100 100.120

Date Originally Published in Illinois Register:

January 12, 1990
14 Ill. Reg. 536

At its meeting on June 5, 1990, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to the rulemaking of the Department of Labor entitled "Prevailing Wage Hearing Procedures" (56 Ill. Adm. Code 100), because the rulemaking is vague in that it fails to provide what the Department deems to be a "determination" by the Department that a contractor or subcontractor has committed a "violation" of the Illinois Prevailing Wage Act.

The Department of Labor's rulemaking fails to provide any mechanism by which a contractor or subcontractor found to have violated the Act may cure any deficiency found to exist by the Department. If, for example, a contractor or subcontractor is found to have omitted some recordkeeping requirement and promptly revises his records to be in compliance with the Department's rulemaking, then from the Department's perspective a violation of the Act for purposes of a subsequent debarment proceeding may not be present.

The Department could clarify what it deems to be a "determination" that a violation had occurred by defining that term in its rulemaking. Providing parties with an opportunity to correct particular shortcomings prior to automatic debarment proceedings would do much to ease the administrative burden on the Department and reduce the economic effect of this rulemaking to the regulated public.

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ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION

DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

Heading of Part: Standards and Licensure Requirements for
Community-Integrated Living Arrangements

Code Citation: 59 Ill. Adm. Code 115

Section Numbers:	
115.100	115.110
115.200	115.210
115.220	115.230
115.250	115.300
115.320	115.400
115.420	115.430
115.450	115.460
	115.470

Date Originally Published in Illinois Register: September 29, 1989
13 Ill. Reg. 15183

At its meeting on June 5, 1990, the Joint Committee recommended that the Department of Mental Health and Developmental Disabilities adopt a State plan, initiate rulemaking, and provide an informational memorandum. The Department should respond to each recommendation within 90 days of the receipt of this Statement of Recommendation.

The specific recommendations are as follows:

Recommendation 1

The Joint Committee recommends to the Department of Mental Health and Developmental Disability that the Department adopt a plan for the distribution of community living arrangements as required by Section 10(a) of the Community-Integrated Living Arrangement Licensure and Certification Act as amended by P.A. 86-922 effective September 12, 1989 prior to the adoption of these proposed rules entitled "Standards and Licensure Requirements for Community-Integrated Living Arrangements" (59 Ill. Adm. Code 115).

This rulemaking establishes minimum rules governing community-integrated living arrangements (CILAs) for groups in which 8 or fewer mentally ill or developmentally disabled individuals who are at least 18 years of age reside. The Department of Mental Health and Developmental Disabilities is proposing these rules to implement Section 9 of the Community-Integrated Living Arrangements Licensure and Certification Act (Ill. Rev. Stat. 1988 Supp., ch. 91 1/2, pars. 1701 et seq.). The rules set out application, review and approval procedures,

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STATEMENT OF OBJECTION

DEPARTMENT OF LABOR
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Therefore, the Joint Committee objects to the rulemaking of the Department of Labor entitled "Prevailing Wage Hearing Procedures" (56 Ill. Adm. Code 100), because the rulemaking is vague in that it fails to provide what the Department deems to be a "determination" by the Department that a contractor or subcontractor has committed a "violation" of the Illinois Prevailing Wage Act.

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whereby community mental health or developmental service agencies are authorized to manage such facilities under the Act. Various terms are defined by the rulemaking, minimum medical service and treatment procedures are prescribed, and client rights and confidentiality provisions are expressed. Section 115.310 establishes standards for the geographic location of CILAs in communities. Minimum physical plant requirements of such living arrangements are listed, as well as sanitation and client safety measures. Staffing requirements and credentials of professionals serving such clients are prescribed. Licensure provisions, reporting requirements, and hearing procedures are also established.

Section 10(a) of the Act states in part:

The Department shall adopt a plan ("State plan") for the distribution of community living arrangements throughout the State, considering the need for such arrangements in the various locations in which they are to be used... The State plan shall include guidelines regarding the location of community integrated living arrangements within the geographic areas to be served by the agencies, and the availability of support services within those areas for residents under such arrangements. The Department shall promulgate such guidelines as rules pursuant to the Illinois Administrative Procedure Act. (As amended by P.A. 86-922; effective September 12, 1989)

The Department was asked to provide the Joint Committee with a copy of the State plan, so that it could conduct a review of these guidelines for location of CILAs, prior to the Department's adoption of these licensure rules.

The Department representative responded that it was currently at work on this State plan during several of the meetings which were held between the Joint Committee members, the Committee staff, the Department, and public commentators in April and May of 1990. At each meeting a copy of the State plan was requested. Discussions indicated that the Department has issued temporary permits to CILA agencies, has approved applications for CILA preferred providers, and has determined the number of CILA agencies which provide intermittent supervision and

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support, continuous supervision and support, in-home support, and elect to serve "special needs" populations only. The Department's issuance of these permits and the designation of agencies as CILA preferred providers are establishing the current geographic location of these agencies throughout the State by operation of these activities.

Additionally, the Department responded on March 27, 1990 to a Joint Committee request regarding the Department's position as to whether Public Act 86-922 would require rules to be developed. P.A. 86-922 established the Section 10(a) requirement that a State plan be adopted by the Department. The Department stated that it agreed rulemaking will be required. However, since the Department's proposed Part 115, Standards and Licensure Requirements for Community-Integrated Living Arrangements is in the second notice period the Department will consider amending the Part to include the provisions of P.A. 86-922 once finally adopted. The Department is creating a State plan by its regulatory function and operation. The Department should be able to develop a State plan based upon its knowledge of currently Department-permitted CILAs and Department-designated CILA preferred providers, prior to its adoption of Part 115 as required by P.A. 86-922.

Therefore, the Joint Committee recommends to the Department of Mental Health and Developmental Disability that the Department adopt a plan for the distribution of community living arrangements as required by Section 10(a) of the Community-Integrated Living Arrangement Licensure and Certification Act as amended by P.A. 86-922 effective September 12, 1989 prior to the adoption of these proposed rules entitled "Standards and Licensure Requirements for Community-Integrated Living Arrangements" (59 Ill. Adm. Code 115).

Recommendation 2

The Joint Committee recommends that the Department of Mental Health and Developmental Disabilities initiate rulemaking to consolidate its hearing rules in various Parts into one Part which will include grounds and procedures for appealing a Department decision, procedures for conducting a hearing, and standards for Departmental exercise of its discretion in granting or denying an appeal.

This rulemaking establishes minimum rules governing community-integrated living arrangements (CILAs) for groups in which 8 or fewer mentally ill or developmentally disabled individuals who are at least 18 years of age reside. The Department of Mental Health and Developmental Disabilities is proposing these rules to implement Section 9

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Therefore, the Joint Committee recommends that the Department of Mental Health and Developmental Disabilities initiate rulemaking to consolidate its hearing rules in various Parts into one Part which will include grounds and procedures for appealing a Department decision, procedures for conducting a hearing, and standards for Departmental exercise of its discretion in granting or denying an appeal.

Recommendation 3

The Joint Committee recommends to the Department of Mental Health and Developmental Disabilities that it propose rules in the Illinois Register to include policies contained in its "Client Acceptance Policy for CILA Preferred Providers" and "Application for Preferred Providers" which are required of agencies certifying community integrated living arrangements, prior to its adoption of "Standards and Licensure Requirements for Community-Integrated Living Arrangements" (59 Ill. Adm. Code 115).

This rulemaking establishes minimum rules governing community-integrated living arrangements (CILAs) for groups in which 8 or fewer mentally ill or developmentally disabled individuals who are at least 18 years of age reside. The Department of Mental Health and Developmental Disabilities is proposing these rules to implement Section 9 of the Community-Integrated Living Arrangements Licensure and Certification Act (Ill. Rev. Stat. 1988 Supp., ch. 91 1/2, pars. 701 et seq.). The rules set out application, review and approval procedures whereby community mental health or developmental service agencies are authorized to manage such facilities under the Act. Various terms are defined by the rulemaking, minimum medical services and treatment procedures are prescribed, and client rights and confidentiality provisions are expressed. Section 115.310 establishes standards for the geographic location of CILAs in communities. Minimum physical plant requirements of such living arrangements are listed as well as sanitation and client safety measures. Staffing and requirements and credentials of professionals serving such clients are prescribed. Licensure provisions, reporting requirements, and hearing procedures are also established.

The Department was asked to provide its preferred provider application forms and any policy provisions concerning CILA preferred provider acceptance of clients. The Department provided the forms and the policy considerations for provision of services for Joint Committee review. Noting that this information is the Department's contract for Preferred Provider Organizations (PPO), the Department stated it believes this contract is beyond the scope of the CILA proposed

of the Community-Integrated Living Arrangements Licensure and Certification Act (Ill. Rev. Stat. 1988 Supp., ch. 91 1/2, pars. 701 et seq.). The rules set out application, review and approval procedures whereby community mental health or developmental service agencies are authorized to manage such facilities under the Act. Various terms are defined by the rulemaking, minimum medical services and treatment procedures are prescribed, and client rights and confidentiality provisions are expressed. Section 115.310 establishes standards for the geographic location of CILAs in communities. Minimum physical plant requirements of such living arrangements are listed as well as sanitation and client safety measures. Staffing and requirements and credentials of professionals serving such clients are prescribed. Licensure provisions, reporting requirements, and hearing procedures are also established.

The Department was asked to cross-reference its rules governing notice forms, standard language to be used in such notices, and hearings. The Department replied that it could not cross-reference its hearing rules, as each Part has its own hearings procedures. The Department agreed to amend its proposed hearings rules in Section 115.470 to include provisions concerning appeals of Departmental licensure, revocation or denial decisions to include more extensive notice provisions and hearing procedures originally set forth in Section 10 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1010).

While this expanded version of the Department's hearing rules provides a more complete representation of the Department's policy regarding such appeals of Department decisions concerning licensure, revocation, or denials, the expansion of Section 115.470 hearing provisions continues the Department's approach to Part-specific hearing rules and procedures. Section 115.470 provisions were drawn from a previous rulemaking concerning utilization review hearings at 59 Ill. Adm. Code 112, Treatment and Habilitation Services. Rather than redraft hearing sections for each part of the Department's rules to include its hearing policies which are currently not in rules, the Department was asked whether it had considered centralizing such procedures into one Part. The Department responded that it had been considering consolidation of the separate program hearing rules into one Part and expanding the Part-specific rules into provisions for ground for appeals, service, notice, hearings, decisions, specific standards for Department decisions and review, exhaustion of administrative remedies by its rulemaking resources have been concentrated on currently proposed rules.

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rulemaking, and such PPO contracts are covered by the Department's rules on "Grants" (59 Ill. Adm. Code 103).

Questions concerning whether the Department's classification scheme for levels of CILA funding are funding decisions or whether the choices are program decisions are not pertinent, since the policy contained in the Department's Client Acceptance Policy for CILA Preferred Providers and Application for Preferred Providers has not been adopted as a rule pursuant to the Illinois Administrative Procedure Act as required. For instance, in these two documents three levels of CILA are described as representing the Department's classification scheme, "assumed to be hierarchical in terms of cost, with In-home Support the least expensive level".

In-home Support - Client receives periodic support, guidance, assistance or skills training in their home (\$16,400.00 MI/DD).

Intermittent Supervision - Client receives staff supervision (in addition to the above) on a regular basis in their home (\$16,400.00 MI/DD).

24-hour Supervision - Client is supervised by mental health/developmental services workers on a continuous basis (\$26,000.00 MI/\$30,000 DD).

The proposed rules at Part 115 contain definitions of "Continuous supervision and support" and "Intermittent supervision and support", but not "In-home support". In addition, although these terms are defined in Section 115.120, no separate standards exist in Part 115 for agencies to qualify as providers of intermittent supervision as opposed to continuous supervision. Further, the body of Part 115 is silent as to the type of supervision an agency is designated to provide, (i.e., the proposed rules define the terms, but never apply the terms to individuals). Section 115.200(d) states only that "Based on their needs, individuals shall receive supervision and supportive services which range from continuous to intermittent." Part 103, "Grants" establishes the Department's policy regarding "System Design and Operational Procedures". The application requirements and policy for CILA Preferred Providers are neither specifically mentioned, nor referenced in Part 103.

The Department's Client Acceptance Policy for CILA Preferred Providers" details a system for allowing agencies to elect to serve "special needs" populations only, and specifies characteristics of clients who may be

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served through special needs services. This election of serving a special needs group also serves to identify the lack of Department rules identifying its policy for allocation CILA slots. The Department has also not provided the standards it uses to choose among agencies applying for election as a "special needs" population provider. No provisions are established in these proposed rules for the Department to designate a CILA Preferred Provider for service to a particular group (i.e., autistic individuals).

Section 3.09 of the IAPA defines "rule" as "each agency statement of general applicability that implements, applies, interprets, or prescribes law or policy..." The abovementioned requirements contained in the Department's application form and the Client Acceptance Policy for CILA Preferred Providers fall within the definition of "rule" and must be included in the Department's rules. Whether the Department chooses to place such policy in 59 Ill. Adm. Code 103, "Grants" or in this proposed rulemaking is left to the Department. Ideally, the Department should adopt both Part 115 and the rules regarding Preferred Provider Organizations simultaneously. The Department should propose such Preferred Provider Organization rules in the Illinois Register prior to its adoption of Part 115 rules.

Therefore, the Joint Committee recommends to the Department of Mental Health and Developmental Disabilities that it propose rules in the Illinois Register to include policies contained in its "Client Acceptance Policy for CILA Preferred Providers" and "Application for Preferred Providers" which are required of agencies certifying community integrated living arrangements, prior to its adoption of "Standards and Licensure Requirements for Community-Integrated Living Arrangements" (59 Ill. Adm. Code 115).

Recommendation 4

The Joint Committee recommends to the Department of Mental Health and Developmental Disabilities that it propose rules pursuant to the Illinois Administrative Procedure Act to adopt the Procedures Manual for Preadmission Screening Agents including Preadmission Screening guidelines which specifically involve screening procedures for placement of individuals in CILAs, and policy in all existing and draft OBRA forms used by the Department prior to its adoption of "Standards and Licensure Requirements for Community-Integrated Living Arrangements" (59 Ill. Adm. Code 115).

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This rulemaking establishes minimum rules governing community-integrated living arrangements (CILAs) for groups in which 8 or fewer mentally ill or developmentally disabled individuals who are at least 18 years of age reside. The Department of Mental Health and Developmental Disabilities is proposing these rules to implement Section 9 of the Community-Integrated Living Arrangements Licensure and Certification Act (Ill. Rev. Stat. 1988 Supp., ch. 91 1/2, pars. 1701 et seq.). The rules set out application, review and approval procedures whereby community mental health or developmental service agencies are authorized to manage such facilities under the Act. Various terms are defined by the rulemaking, minimum medical service and treatment procedures are prescribed, and client rights and confidentiality provisions are expressed. Section 115.310 establishes standards for the geographic location of CILAs in Communities. Minimum physical plant requirements of such living arrangements are listed, as well as sanitation and client safety measures. Staffing requirements and credentials of professionals serving such clients are prescribed. Licensure provisions, reporting requirements, and hearing procedures are also established.

The Department was asked to provide information dealing with PASARR agents, procedures, and policies in relation to Community-Integrated Living Arrangements, which were referenced in the previously provided "Application for Preferred Providers" and also in the "Inter-Agency Agreement reached between IDMHDD and the Department of Public Aid", "Addendum II, Preadmission Screening/Annual Resident Review Program." The reference stated "PASARR" and Procedures Manual for Preadmission Screening". The Department located a copy of this Manual dated July 1989 and also provided a copy of a memorandum which the Department had generated on April 25, 1990 concerning "PASARR Changes and Clarifications to be Implemented Upon Receipt".

The Manual and Update are authorized by the Omnibus Budget Reconciliation Act of 1987 (OBRA-87). PASARR (Preadmission Screening and Resident Review) agents act for the Department in carrying out certain state and federal requirements relating to the assessment and referral of individuals with a developmental disability or mental illness and are defined as a Medicaid Administrative Activity. The Department explained that the criteria for entry into a CILA are: nursing facility discharge referred by a PASARR agent (either discharged directly from a nursing facility or intermediate care facility for the severely mentally ill (ICF/MI) to the CILA or from an intermediate care facility for the developmentally disabled, (ICFDD) as a result of another discharge from a nursing facility to the ICFDD); a State facility discharge determined by State-operated facility and the CILA Preferred Provider; and

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deflections authorized and referred by PASARR based on client characteristics specified in the above mentioned Manual. The Department defines deflections from nursing homes in its application form for Preferred Providers as deflections from nursing facilities and State-operated facilities and State-operated facility discharges. As OBRA concerns only Nursing Facility discharges all other referrals are considered deflection service, not part of the OBRA mandate.

The Manual sets forth Instructions for use, background, Initial Identification Screen, Assessment and Determination Process Referral and Service Arrangement (CILA services are specified in Chapter 500, Sections 540 through 590.30), Appeals Process, Billing and General Reporting Requirements, Performance Criteria for PAS Agents, and Appendices. The Update included an abbreviated resident review process for CILA referrals, updated OBRA-CILA forms, a new policy for same level care transfers and for persons over 60, general clarifications (which includes information concerning PASARR referrals to CILAs), and legal clarifications. The Department has noted that these Community-Integrated Living Arrangements are one option available for PASARR agents to use, but that CILAs comprise options for state operated facilities also.

Section 3.09 of the IAPA defines "rule" as "each agency statement of general applicability that implements, applies, interprets, or prescribes law or policy. . . ." The above mentioned policy contained in the Department's Manual and Update and the Department's screening mechanisms for individuals who are discharged from state facilities regarding preadmission screening requirements for placement of individuals in CILAs falls within the definition of "rule" and must be included in the Department's rules. While not all individuals will be referred by PASARR agents for CILA placements, procedures and policy regarding those individuals who are placed should be included in rules. The Department should propose such additional preadmission screening rulemaking in the Illinois Register prior to its adoption of Part 115 rules.

Therefore, the Joint Committee recommends to the Department of Mental Health and Developmental Disabilities that it propose rules pursuant to the Illinois Administrative Procedure Act to adopt the Procedures Manual for Preadmission Screening Agents including Preadmission Screening guidelines which specifically involve screening procedures for placement of individuals in CILAs, and policy in all existing and draft OBRA forms used by the Department prior to its adoption of "Standards and

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Licensure Requirements for Community-Integrated Living Arrangements" (59 Ill. Adm. Code 115).

Recommendation 5

The Joint Committee recommends to the Department of Mental Health and Developmental Disabilities that it amend its rules entitled "Mental Health Clinic Program Standards and Provider Requirements" (59 Ill. Adm. Code 130) to incorporate policies not in rules which are set forth in its Draft copy of "Interim Provider Manual for the Mental Health Clinic Program for Individuals with Mental Illness (May, 1990)" which operationalize the Department's standards and requirements in Part 130.

In the course of the staff's review of "Standards and Licensure Requirements for Community Integrated Living Arrangements" (59 Ill. Adm. Code 115), the staff requested a copy of the Inter-Agency Agreement between the Department of Mental Health and Developmental Disabilities and the Department of Public Aid. Addendum Number 1 to Inter-Agency Agreement sets forth the two Department's agreement regarding Community Mental Health Services. The Joint Committee requested a copy of the Department's procedures for effecting Addendum 1 to the Inter-Agency Agreement. The Department provided a draft copy of the "Interim Provider Manual for the Mental Health Clinic Program for Individuals with Mental Illness (May, 1990)." The Department noted that the manual has just been completed and had been submitted to the Department of Public Aid last week for IDPA approval.

The Manual states its purpose is to set forth procedures and policies of IDMHDD for delivery of the Medicaid Mental Health Clinic Option Program Services. The manual operationalizes standards and requirements of 59 Ill. Adm. Code 130, "Mental Health Clinic Program Standards and Provider Requirements" . . . as a guide for provider agencies in implementing programs. . . the manual does not replace [Part] 130. . . [but] agencies must maintain familiarity with [Part] 130 and the procedural requirements which are referenced in this manual by [Part] 130 section number."

A thorough review of this Manual was not possible, but a cursory review reveals that the Department has designated particular rules and particular subsections of rules in II. A. 2 as being more important than others not specified in the Manual. The lack of an heirarchy of importance in Part 130 rules implies a potential imposition of standards which are not reflected in the Department's rules. If no heirarchy is specified, equal weighting and application of all rules is implied. The

Department should review its Manual and Part 130 for weighting of certain rules over others. The same Section II. A. 2. specifies materials which an agency should possess to address regulatory issues. Another instance specifies that Sections V (Covered Services) includes information which Section 130.190 of the rules does not. The Department should review this Manual for determining those policies which have not been previously incorporated into rules, but which operationalize the Part 130 standards and requirements, for incorporation into Part 130 rules.

Therefore, the Joint Committee recommends to the Department of Mental Health and Developmental Disabilities that it amend its rules entitled "Mental Health Clinic Program Standards and Provider Requirements" (59 Ill. Adm. Code 130) to incorporate policies not in rules which are set forth in its Draft copy of "Interim Provider Manual for the Mental Health Clinic Program for Individuals with Mental Illness (May, 1990)" which operationalize the Department's standards and requirements in Part 130.

Recommendation 6

The Joint Committee recommends to the Department of Mental Health and Developmental Disabilities that it amend its rules entitled "Mental Health Clinic Program Standards and Provider Requirements" (59 Ill. Adm. Code 130) to incorporate policies not in rules which are set forth in its copy of "Mental Health Clinic Program Survey Instrument Interpretive Guidelines (Revised 6-89)" which operationalize the Department's standards and requirements in Part 130.

In the course of the staff's review of "Standards and Licensure Requirements for Community Integrated Living Arrangements" (59 Ill. Adm. Code 115), the staff requested a copy of the Inter-Agency Agreement between the Department of Mental Health and Developmental Disabilities and the Department of Public Aid. Addendum Number 1 to Inter-Agency Agreement sets forth the two Department's agreement regarding Community Mental Health Services. The Joint Committee requested a copy of the Department's procedures for effecting Addendum 1 to the Inter-Agency Agreement. The Department provided a copy of the "Mental Health Clinic Program Survey Instrument Interpretive Guidelines (Revised 6-89)." The Department noted that this document is used by the Department's Bureau of Certification and Licensure to determine if community providers meet the program criteria.

A review of this Instrument establishes that the Department has chosen which rules and which subsections chosen will be used to ascertain

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defined by the rulemaking, minimum medical service and treatment procedures are prescribed, and client rights and confidentiality provisions are expressed. Section 115.310 establishes standards for the geographic location of CILAs in communities. Minimum physical plant requirements of such living arrangements are listed, as well as sanitation and client safety measures. Staffing requirements and credentials of professionals serving such clients are prescribed. Licensure provisions, reporting requirements, and hearing procedures are also established.

compliance with program criteria. The designation of importance accorded one rule over another should be incorporated into Part 130 rules. If no hierarchy is specified, equal weighting and application of all rules is implied. The choices of inclusion of a particular subsection in the Instrument establishes the Department's intention regarding a particular rule application. The format of the Instrument includes three columns. The first column establishes the Standard (a particular rule or subsection to the rule), the second column states the indicator/interpretive guidelines, and the third column provides room for comments. The indicators/interpretive guidelines provide guidance concerning determination of compliance with a particular standard. This "guidance" is policy which has not been incorporated into rules in Part 130. The Department should review this Survey Instrument for such policies which have been omitted from, but which operationalize the Part 130 standards and requirements.

The Department was asked to provide a copy of the Inter-Agency Agreement which the Department had reached with the Department of Public Aid (IDPA) regarding "mutual responsibilities in the provision of service for which the Department of Mental Health and Developmental Disabilities (IDMHDD) has statutory authority to Title XIX clients, of which IDPA is the authorized state agency for administration under Title XIX of the Social Security Act." The Department provided a copy of the agreement signed in November of 1989. The agreement specifies the IDMHDD responsibilities in subsection (A) and the IDPA responsibilities in subsection (B).

Therefore, the Joint Committee recommends to the Department of Mental Health and Developmental Disabilities that it amend its rules entitled "Mental Health Clinic Program Standards and Provider Requirements" (59 Ill. Adm. Code 130) to incorporate policies not in rules which are set forth in its copy of "Mental Health Clinic Program Survey Instrument Interpretive Guidelines (Revised 6-89)" which operationalize the Department's standards and requirements in Part 130.

The IDMHDD responsibilities include certifying provider eligibility, informing staff of the agreement, Title XIX reimbursement factors, reporting suspected fraud or abuse, freedom of choice of providers, quality assurance, provider relations policy, procedure and rule revisions, hearings, reports, administrative costs, and record keeping. The IDPA responsibilities include eligibility, informing staff, enrollment/termination, post-payment audits, computer access, policy and procedure revisions, and administrative costs.

Recommendation 7

The Joint Committee requests the Department of Mental Health and Developmental Disabilities that it provide the Joint Committee with an informational memorandum explaining what has been or going to be done to fulfill the potential policy commitments made to the Illinois Department of Public Aid pursuant to an Inter-Agency Agreement between the two Departments so such commitments can be reviewed for potential impact on the rulemaking activities of the Department.

Of particular interest to the Joint Committee are the following provisions of this agreement which the Department of Mental Health and Developmental Disabilities is required to perform.

3) Title XIX Reimbursement Factors

- a) DMHDD agrees to develop cost setting policies and methodologies for Medicaid reimbursable Mental Health Services based on generally applicable Medicaid cost reimbursement principles. This will include rate methodologies when applicable. DMHDD agrees to submit to IDPA and IDPA review

This rulemaking establishes minimum rules governing community-integrated living arrangements (CILAs) for groups in which 8 or fewer mentally ill or developmentally disabled individuals who are at least 18 years of age reside. The Department of Mental Health and Developmental Disabilities is proposing these rules to implement Section 9 of the Community-Integrated Living Arrangements Licensure and Certification Act (Ill. Rev. Stat. 1988 Supp., ch. 91 1/2, pars. 1701 et seq.). The rules set out application, review and approval procedures whereby community mental health or developmental service agencies are authorized to manage such facilities under the Act. Various terms are

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of rate methodologies or revisions to existing rate methodologies that are to be used for federally matched services.

- b) DMHDD agrees to submit to IDPA rates for individuals vendors and associated documentation, based upon the approved vendor/cost based rate methodologies as defined in the addenda.

- c) DMHDD understands the proposed rates for Medicaid reimbursement will not become final until authorized by IDPA.

- d) DMHDD agrees to notify providers of services to individuals with mental illness or developmental disabilities of the nature of the rate setting system and of any change in the methodologies proposed by DMHDD.

- e) Where it is DMHDD's responsibility to pay vendors, DMHDD creates and maintains billing and claiming systems which are consistent with the applicable Medicaid claiming/reimbursement system principles.

6) Quality Assurance

DMHDD agrees to perform the following quality assurance activities with the objective of assuring that DMHDD certified vendors deliver quality services to Public Aid clients which fully meet established standards:

- a) Certification functions including annual reviews of certification

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application materials and on-site visits as required for DMHDD vendors. This review includes at a minimum a review of client life safety issues, client records, accountability and compliance with Department rules specific to certification and the certification process. In addition, DMHDD will review correspondence between other Illinois licensure agencies that license providers referenced in the addenda to determine whether deficiencies or licensure conditions impact the Medicaid eligible providers.

- b) Programmatic Medicaid functions, i.e., certification and annual recertification include on-site inspections and audits.

- c) Monitoring functions including is the visits of Public Aid funded providers. These visits include at a minimum an annual review of administrative, fiscal and clinical practices.

- d) Inspections of certified vendors on an exception basis as a result of complaints or information provided by the public or other parties for the purpose of determining whether the vendor continues to meet program requirements.

7) Provider Relations

DMHDD agrees to prepare and distribute in conjunction with IDPA any handbooks for certified providers of mental health services. The handbook must be approved by IDPA prior to

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distribution. IDPA will furnish DMHDD with policy and procedure interpretations as required.

DMHDD agrees to approve and sign provider contracts as required under applicable federal and state laws and rules based upon standard criteria applicable to all providers for whom IDMHDD has responsibility.

DMHDD agrees to be accountable for the expenditure of Medicaid funds appropriated for programs or services administered by the Department of IDMHDD and covered under the Illinois Medicaid State Plan.

8) Policy and Procedure Revisions

DMHDD agrees to provide IDPA with advance copies of any proposed changes to Ill. Administrative Codes that directly or indirectly effect the programs in the addenda. The advance copies will be provided in a timely manner to allow for processing through the IDPA Policy Development System.

DMHDD agrees to discuss with the IDPA liaison changes to program funding or certification policies and procedures which may have an impact upon Medicaid covered mental health program services, vendors or operations.

Section 7.05 of the Illinois Administrative Procedure Act states that "[t]he Joint Committee shall suggest rulemaking of an agency whenever the Joint Committee determines that the agency's rules are incomplete, inconsistent, or otherwise deficient." The Department's policy commitments made pursuant to the agreement may require further rulemaking to make the Department's policies known to the public, to assure uniform interpretation, and to enforce these policies. Requesting

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a list of the Department's performance of such commitments will enlighten the Committee concerning the need for further rulemaking.

Therefore, the Joint Committee requests the Department of Mental Health and Developmental Disabilities that it provide the Joint Committee with an informational memorandum explaining what has been or going to be done to fulfill the potential policy commitments made to the Illinois Department of Public Aid pursuant to an Inter-Agency Agreement between the two Departments so such commitments can be reviewed for potential impact on the rulemaking activities of the Department.

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(Continued Page 2)Heading of Part:Standards and Licensure Requirements for
Community-Integrated Living ArrangementsCode Citation:

59 Ill. Adm. Code 115

Section Numbers:

115.100	115.110	115.120
115.200	115.210	115.215
115.220	115.230	115.240
115.250	115.300	115.310
115.320	115.400	115.410
115.420	115.430	115.440
115.450	115.460	115.470

Date Originally Published in Illinois Register:September 29, 1989
13 Ill. Reg. 15183

At its meeting on June 5, 1990, the Joint Committee requests the Department of Public Aid provide the Joint Committee with an informational memorandum explaining what has been or going to be done to fulfill the potential policy commitments made to the Illinois Department of Mental Health and Developmental Disabilities pursuant to an Inter-Agency Agreement between the two Departments so such commitments can be reviewed for potential impact on the rulemaking activities of the Department. The Department should respond within 90 days of the receipt of this Statement of Recommendation.

The specific recommendation is as follows:

The Joint Committee requests the Department of Public Aid that it provide the Joint Committee with an informational memorandum explaining what has been or going to be done to fulfill the potential policy commitments made to the Illinois Department of Mental Health and Developmental Disabilities pursuant to an Inter-Agency Agreement between the two Departments so such commitments can be reviewed for potential impact on the rulemaking activities of the Department.

This rulemaking establishes minimum rules governing community-integrated living arrangements (CILAs) for groups in which 8 or fewer mentally ill or developmentally disabled individuals who are at least 18 years of age reside. The Department of Mental Health and Developmental Disabilities is proposing these rules to implement Section 9 of the Community-Integrated Living Arrangements Licensure and Certification Act (Ill. Rev. Stat. 1988 Supp., ch. 91 1/2, pars. 1701 et

seq.). The rules set out application, review and approval procedures whereby community mental health or developmental service agencies are authorized to manage such facilities under the Act. Various terms are defined by the rulemaking, minimum medical service and treatment procedures are prescribed, and client rights and confidentiality provisions are expressed. Section 115.310 establishes standards for the geographic location of CILAs in Communities. Minimum physical plant requirements of such living arrangements are listed as well as sanitation and client safety measures. Staffing requirements and credentials of professionals serving such clients are prescribed. Licensure provisions, reporting requirements, and hearing procedures are also established.

The Department was asked to provide a copy of the Inter-Agency Agreement which the Department had reached with the Department of Mental Health and Developmental Disabilities (IDMHDD) regarding "mutual responsibilities in the provision of service for which the IDMHDD has statutory authority to Title XIX clients, of which the Illinois Department of Public Aid (IDPA) is the authorized state agency for administration under Title XIX of the Social Security Act." The Department of Mental Health and Developmental Disabilities provided a copy of the agreement signed in November of 1989. The agreement specifies the IDMHDD responsibilities in subsection (A) and the IDPA responsibilities in subsection (B).

The IDMHDD responsibilities include certifying provider eligibility, informing staff of the agreement, Title XIX reimbursement factors, reporting suspected fraud or abuse, freedom of choice of providers, quality assurance, provider relations policy, procedure and rule revisions, hearings, reports, administrative costs, and record keeping. The IDPA responsibilities include eligibility, informing staff, enrollment/termination, post-payment audits, computer access, policy, and procedure revisions, and administrative costs.

Of particular interest to the Joint Committee are the following provisions of this agreement which the Department of Public Aid is required to perform.

2) Informed Staff

- b) IDPA agrees to provide IDMHDD with information regarding services covered under the Medicaid Plan in Illinois, billing on policies and

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Any action taken by IDPA based on such improprieties or overpayments shall be pursuant to Department Regulations as set out in 89 Illinois Administrative Code as not or hereafter amended. If amounts are found to be due to IDPA, IDPA shall initiate the appropriate action(s) to recover the funds.

6) Policy and Procedure Revisions

IDPA agrees to provide DMHDD with advance copies of any proposed changes in Medicaid policy and procedure which will impact upon the services specified in the addenda. The advance copies will be provided in a timely manner to allow for review by DMHDD management.

IDPA agrees to discuss with the DMHDD liaison changes to Medicaid policy or procedures which may have an impact on Medicaid covered mental health services, vendors or operations.

Section 7.05 of the Illinois Administrative Procedure Act states that "[t]he Joint Committee shall suggest rulemaking of an agency whenever the Joint Committee determines that the agency's rules are incomplete, inconsistent, or otherwise deficient." The Department's policy commitments, made pursuant to this agreement may require further rulemaking to make the Department's policies known to the public, to assure uniform interpretation, and to enforce these policies. Requesting a list of the Department's performance of such commitments will enlighten the Committee concerning the need for further rulemaking.

Therefore, the Joint Committee requests the Department of Public Aid that it provide the Joint Committee an informational memorandum explaining what has been or going to be done to fulfill the potential policy commitments made to the Illinois Department of Mental Health and Developmental Disabilities pursuant to an Inter-Agency Agreement between the two Departments so such commitments can be reviewed for potential impact on the rulemaking activities of the Department.

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procedures and payment review procedures.

c) IDPA agrees to provide to DMHDD, upon written request, selected administrative reports and electronic data exchange regarding services, providers and payments. Requests for access to information contained in the Department's electronic data bases will be made in conformance with established data processing security policy and procedure.

3) Enrollment/Termination

IDPA agrees to, as stated in the addenda, enroll DMHDD Program providers, certified by DMHDD into the Title XIX Medicaid Program when all applicable Title XIX Medicaid enrollment and participation requirements are met by the vendor.

IDPA agrees to initiate termination proceedings of provider participation upon the recommendation of DMHDD. IDPA agrees to notify DMHDD in writing of the status of such actions, and provide DMHDD with reasonable notice as to when personnel will be needed for testimony.

4) Post Payment Audits

IDPA shall have the sole responsibility for post payment Medicaid audits of mental health vendors specified in the addenda. IDPA may initiate such audits based upon improprieties identified in billing, overpayments, reports of fraud or abuse, or for any other reason.

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STATE EMPLOYEES' RETIREMENT SYSTEM

Heading of Part: The Administration and Operation of the State Employees' Retirement System of Illinois

Code Citation: 80 Ill. Adm. Code 1540

Section Numbers: 1540.250

Date Originally Published in Illinois Register: March 30, 1990
.14 Ill. Reg. 4880

At its meeting on June 5, 1990, the Joint Committee recommended that the State Employees' Retirement System seek legislation relating to the above-referenced rulemaking. The Department should respond within 90 days of the receipt of this Statement of Recommendation.

The specific recommendation is as follows:

The Joint Committee recommends that if the System believes it should have specific authority to rebate interest to members repaying contributions by installment payment, then it should seek legislation to amend Section 14-130 of the Retirement Act (Ill. Rev. Stat. 1989, ch. 108 1/2, par. 74-130) to specifically authorize its rebate of interest to members.

The System proposed amendments to update and clarify its rules pursuant to federal law, federal regulations and state law and policy. Section 1540.250 is being amended to allow the System, under the installment option of paying contributions to reinstate service credit after receiving a refund, to calculate interest as a lump sum on the last day of the installment period and such total interest will be rebated, unless such rebate is less than \$5.00.

The System was asked to provide a citation to its authority for rebating interest accumulated in a rebate account to the member. The System replied that it is relying upon its general rulemaking authority at Section 14-135.03 of the Retirement Act (the Act) (Ill. Rev. Stat. 1989, ch. 108 1/2, par. 14-135.03). This Section states:

To establish rules and regulations and formulate policy for proper operation of the system and the transaction of its business; to prescribe rules for the determination of the value of maintenance, board, lodging,

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laundry, and other allowances to employees in lieu of money; to maintain a separate account on each member's contribution, and submit a statement of account to each member annually. The Board may include in such rules and regulations provisions requiring the disclosure of social security numbers and may provide for the use of such numbers in the records of the System as it may deem appropriate.

The System stated that its authority for establishing regular interest is Section 14-103.23 which states:

"Regular interest": Interest at such rate determined from the actual experience of the system as may be prescribed by the board, compounded annually. Credit for regular interest each fiscal year on a member's individual contribution account shall be computed on the accumulated balance in the account at the beginning of each fiscal year.

The System explained that the installment method of paying contribution amounts refunded to the member was initiated as a convenience for members, as some members could not make the lump sum payment. The System determined that, as it collected interest payments from members paying under the installment payment, it should share this interest with members by rebating the interest paid at the conclusion of the member's installment payment period.

The System's reliance upon its rulemaking authority for such rebates and its authority to charge interest is not specific authority for rebating the interest it receives by Section 14-130 of the Act. Section 14-130 states, in pertinent part:

(b) A member receiving a refund forfeits and relinquishes all accrued rights in the System, including all accumulated creditable service. If such person again becomes a member of the System and establishes at least 2 years of creditable service, the member may repay the moneys previously refunded. The repayment of refunds issued

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prior to the effective date of this amendatory Act shall consist of the amount refunded plus 5% interest per annum compounded annually for the period from the date of the refund to the end of the month in which repayment is made. The repayment of refunds issued after the effective date of this amendatory Act shall consist of the amount refunded plus regular interest for the period from the date of refund to the end of the month in which repayment is made. The member shall then receive credit for the service, member contributions and regular interest that was forfeited by acceptance of the refund as well as regular interest for the period of non-membership. Such repayment shall be made in full before retirement either in a lump sum or installment payments in accordance with such rules as may be adopted by the board.

The System's rebate of such interest is not authorized by its rulemaking authority, by the regular interest statutory provision, nor by the refund and repayment provision. The refund section specifies a 5 percent interest per annum compounded annually for the period from the date of the refund to the end of the month in which repayment is made. This section is silent as to the System's rebating such interest to members. Although the concept may encourage repayment and may be laudable as a service to members, no specific authority exists for the System's proposed rebate policy.

Therefore, the Joint Committee recommends that if the System believes it should have specific authority to rebate interest to members repaying contributions by installment payment, then it should seek legislation to amend Section 14-130 of the Retirement Act (Ill. Rev. Stat. 1989, ch. 108 1/2, par. 74-130) to specifically authorize its rebate of interest to members.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
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DEPARTMENT OF REVENUE

Heading of Part: Telecommunications Excise Tax
Code Citation: 86 Ill. Adm. Code 495
Section Numbers: 495.100
Date Originally Published in Illinois Register: October 27, 1989
13 Ill. Reg. 16723

At its meeting on June 5, 1990, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to Section 495.100 of the Department of Revenue's rules entitled "Telecommunications Excise Tax" (86 Ill. Adm. Code 495) because the rules conflict with the intent of the Telecommunications Excise Tax Act and do not clearly indicate at which point the tax is to be imposed in certain retail sales of telecommunications.

This rulemaking defines "gross charges" as those charges related to telecommunication services in the State for the purposes of assessing the telecommunication excise tax. The rule provides that gross charges include services and equipment provided by a retailer for calls originating or received in Illinois. Gross charges do not include equipment that is leased or rented by the customer, advertising revenue, and charges for automated storage.

Comments have been received from MCI Telecommunications Corporation. MCI opposes Section 495.100(h), (i), and (j) because MCI believes that the rules inappropriately impose the telecommunications excise tax on the sale of information or other products or services by persons selling services or products (900 service) to customers. MCI believes that the only sale of telecommunications occurs between the telecommunication retailer and the 900 service, and that the imposition of the tax on the transaction between the telecommunication retailer and the 900 service will appropriately locate the tax.

Section 495.100 (h), (i), and (j) state:

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- h) Gross charges shall include the transmission charges for premium services. Time/weather, gab line/party line and other public announcement services of information and entertainment, and charges for the message content or information of such services, are not included in gross charges.

Example: A call to a 900 code number is made to register an opinion in a poll. The caller is billed \$1.00. \$.80 is retained by the telecommunications retailer and \$.20 is given to the poll tabulator. \$.80 is included in gross charges.

- i) Charges of billing and collection received by telecommunication retailers from persons selling services or products to the telecommunications retailer's customers, which are billed and collected by the telecommunications retailer, are not included in gross charges.

Example: A call to a 900 code number to sell a product is billed by the telecommunications retailer as follows:

\$25.00 service charge to caller for product or service

\$.30 call charge (15 cents call, 15 cents billing and collection)

\$.30 is included in gross charges unless billing and collection is separately stated--then only the call charge

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\$25.00 is not included in gross charges
\$.15 is included in gross charge

- j) Billing and collections charges paid by persons selling services or products to telecommunications retailers customers or billing and collections charges paid by telecommunications retailers to credit card companies whose holders have charged calls are not includable in gross charges, if separately stated, otherwise they are costs of doing business and are not deductible from gross charges.

MCI explained that, it believes that Section 2 of the Telecommunications Excise Tax Act (Ill. Rev. Stat. 1989, ch. 120, par. 2002) makes the transaction between itself and its customer, the 900 service, the taxable event. The gross charges for purposes of assessing the tax are defined in Section 2(a) of the Act as "the amount paid for the act or privilege of originating or receiving telecommunications in this State and for all services and equipment provided in connection therewith by a retailer. . . .". Section 2(k) of the Act defines a sale at retail as "the transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration. . . .". MCI explained that it has no transaction with the end user, such as a contractual or tariff relationship. According to MCI, it is the telecommunications retailer under the Act and the 900 service is the telecommunications consumer.

MCI further pointed out that because other states impose the tax on the transaction between the telecommunications retailer and the 900 service, the rules may cause double taxation. As an example of how double taxation may occur, MCI explained that Connecticut will tax the transaction between MCI and the 900 service as telecommunications, and if an Illinois end user calls a 900 service in Connecticut, and the service chooses to charge a fee for the call, the call will be taxed twice, once by Connecticut when MCI bills the sponsor for the call, and once by

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Illinois when the sponsor charges the end user, even though there remains only one call.

According to MCI, the transaction between the 900 service and the caller is the sale and purchase of information or products, part of the cost of delivery of which is the service's telephone cost, and that at the option of the 900 service, it may charge the caller a fee to cover the cost of a call, which may or may not equal the actual cost of the call as charged by the telecommunications company. MCI believes this is no more the sale of telecommunications than, for example, when an attorney charges a client for legal services at an hourly rate and, in addition, bills for "out-of-pocket" expenses, including long-distance telephone service.

MCI indicated that it has discussed certain ambiguities in these rules with staff of the Department, and that ambiguities regarding taxability of billing and collection charges, have been clarified in the rules. According to MCI, it had believed that the Department and MCI were in agreement on the principles under which the tax would be assessed on 900 services, but upon the Department's clarification MCI learned that it disagreed with the Department on the fundamental application of the tax to this particular service. MCI indicated its belief that while the revisions to the proposed rule clarify ambiguities, the revisions make clear that the imposition of the tax will be at a point in the series of relevant transactions which MCI considers improper. MCI considers the proposed rule to conflict with the Act and the intention of the legislature. MCI has suggested an alternative which MCI believes will solve this problem without any loss of revenue to the state. According to MCI, the proper placement of the tax in compliance with the intent of the legislature, the ensured taxation of all Illinois transactions, and the elimination of conflict with other states can be simply accomplished by defining the transaction between the telecommunications company and its customer, the 900 service, as the taxable event. MCI further explained that if the transaction between the 900 service and the end user is subject to Illinois sales or use tax, the sale of a product for example, it will be collected with the billing between the service provider and the purchaser.

Therefore, the Joint Committee objects to Section 495.100 of the Department of Revenue's rules entitled "Telecommunications Excise Tax" (86 Ill. Adm. Code 495) because the rules conflict with the intent of the Telecommunications Excise Tax Act and do not clearly indicate at which point the tax is to be imposed in certain retail sales of telecommunications.

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ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

NOTICE OF FAILURE OF MODIFICATION TO REMEDY OBJECTION
TO PROPOSED RULEMAKING

SECRETARY OF STATE

<u>Heading of Part:</u>	Dealers, Wreckers, Transporters and Rebuilders
<u>Code Citation:</u>	92 Ill. Adm. Code 1020
<u>Section</u>	1020.70
<u>Date Originally Published in Illinois Register:</u>	December 8, 1989

At its March 7, 1990 meeting, the Joint Committee objected to Section 1020.70 of the Secretary of State's rules entitled "Dealers, Wreckers, Transporters and Rebuilders" (92 Ill. Adm. Code 1020). The Joint Committee's specific objection appeared in the March 23, 1990 edition of the Illinois Register.

The Joint Committee objected to Section 1020.70 of the Secretary of State's rules entitled "Dealers, Wreckers, Transporters and Rebuilders" (92 Ill. Adm. Code 1020), because the Secretary lacks the statutory authority to require rebuilders licensed under Section 5-301 of the Illinois Vehicle Code (I.V.C.) who sell four used cars or less per year to be licensed as new or used car dealers pursuant to the requirements of Section 5-101 or Section 5-102 of the Illinois Vehicle Code.

The Secretary responded by making the following modifications in response to the Joint Committee's objection:

1. Added "at the rebuilder's established place of business: after 'vehicles' and before 'unless' in the third line of Section 1020.70; and
2. Added the following sentence at the end of the Section: "Nothing herein shall prohibit a rebuilder from selling four or less used vehicles at any location other than the established place of business."

The rules with the Secretary's modifications reads as follows "Rebuilders licensed under Section 5-301 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code shall not engage in the retail selling of salvage or rebuilt vehicles at the rebuilder's established place of business unless they are licensed as a new car dealer or used car dealer as provided in Section 5-101 or 5-102 of the Illinois Vehicle Title and Registration Law of the Illinois

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYNOTICE OF FAILURE OF MODIFICATION TO REMEDY OBJECTION
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Vehicle Code. Nothing herein shall prohibit a rebuilder from selling four or less used vehicles at any location other than the established place of business.

Despite the above modifications, the Secretary of State lacks the statutory authority for this rule. Section 5-102 of the Illinois Vehicle Code is quite clear in that it only requires persons who sell 5 or more used cars per year to be licensed as new or used car dealers. Persons who sell 4 or less used cars per year do not have to be licensed as used or new car dealers. Even though Section 5-100 of the Illinois Motor Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 5-100 as amended by Public Act 86-444, effective January 1, 1990) gives the Secretary the right to establish requirements as to what types of business activities can occur in an "established place of business", the Secretary can not require rebuilders licensed under Section 5-301 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code who sell 4 vehicles or less to be licensed as used or new car dealers as the modifications to the rule permit because as stated previously Section 5-102 of the Illinois Vehicle Code is quite clear regarding this matter.

In discussions with the Joint Committee staff prior to the March 7, 1990 Joint Committee meeting, the Secretary offered to amend the rule with the same language contained in the present modifications. The Joint Committee staff rejected these modifications to the rule. At the Joint Committees March 7, 1990 meeting, Co-Chairman Countryman expressed his concern to the Secretary of State that rebuilders, who sell four cars or less at an established place of business, must be licensed as a new or used car dealer. The Secretary said the reason for this rule is that if this person was suspected of doing something wrong, the Secretary could conduct a search of the business without a search warrant if the person was licensed as a used or new car dealer. Co-Chairman Countryman responded that if the Secretary believed that such a person might be committing a crime, the Secretary should go get a search warrant from a judge. Co-Chairman Countryman stated:

But I think what the members of this Committee are worried about are some guy who's working nights and weekends to squeeze out a few hundred dollars extra to put his kids through college, or do whatever by rebuilding a car. Whether he is doing it

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in his boss's bodyshop, or whether he's the guy running the bodyshop, or whatever, he can't stick it out in front of his business with a "for sale" sign, even though he's gone through all the hoops and ladders that you required him to get a rebuilders permit. I don't see a big social evil there. You know a warrantless search is necessary if you guys think that the guy is doing something wrong, so go get a warrant. There's nothing wrong with getting warrants and appearing before judges and giving them probable causes. Believe me judges are reasonable, I haven't seen too many of them turn down warrants.

The Secretary's modifications to the rule do not remedy the objection of the Joint Committee.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO EMERGENCY RULEMAKING

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS
(Continued Page 2)

finds reasonably constitutes a threat to the public interest, safety or welfare."

When questioned about the necessity for the rulemaking, the Department stated that the rule would enhance tourism and thus help local economies. The Department explained that there are currently thirty-four convention and tourism bureaus in the state, and they go through a certification and grant process to receive the \$5 million in matching funds available through Build Illinois. According to the Department, these bureaus support the emergency rule requirement that new applicant bureaus serve areas that contain at least 500 hotel/motel rooms eligible to collect the state's hotel/motel tax so that numerous small bureaus will not be created to compete for available funds. The Department supports the 500-room requirement because it feels that a smaller area could not carry out as effective a program and there is another matching grant program more suitable for smaller communities. The Department also explained that the new requirement that bureaus serve no more than three counties is aimed at preventing bureau duplication of the services of the four regional tourism councils that are designed to serve larger geographical areas.

When asked why the Department did not opt to wait until 1991 rather than publish emergency changes in the criteria three days before the 1990 application deadline, the Department replied that at least one bureau and two contiguous counties were planning to organize into three small bureaus and, thus, gain more funds unless the Department adopted the new criteria based on number of hotel/motel rooms which would prevent proliferation of small bureaus. According to the Department, counties like DuPage that have reached the maximum grant amount of \$275,000 per fiscal year cannot increase their grant but can have it decreased as new bureaus share in the \$5 million program. New bureaus are guaranteed \$50,000 in matching funds the first year they are in the program. The Department stated that the affected public was informed of the provisions of this emergency rulemaking through monthly meetings of the Illinois Council of Convention and Visitors Bureaus.

The Department's reason for adopting this emergency rule does not illustrate the presence of a threat to the public interest, safety or welfare. Eliminating the notice period provided through the regular rulemaking procedures of the Illinois Administrative Procedure Act should be done only for compelling reasons. Otherwise, the opportunity for public notice and comment should be preserved. It has not been shown that changing the criteria for tourism bureau funding is an emergency under the definition in the Illinois Administrative Procedure Act. The

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DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

Heading of Part: Local Tourism and Convention Bureau Program

Code Citation: 14 Ill. Adm. Code 550

Section Numbers: 550.60

Date Originally Published in Illinois Register: April 13, 1990
14 Ill. Reg. 5565

At its meeting on June 5, 1990, the Joint Committee on Administrative Rules objected to the above emergency rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute a refusal to amend or repeal the rule.

The specific objection is as follows:

The Joint Committee objects to Section 550.60 of Department of Commerce and Community Affairs' emergency rulemaking entitled "Local Tourism and Convention Bureau Program" because there was no threat to the public interest, safety or welfare which justified the use of emergency rulemaking under Section 5.02 of the Illinois Administrative Procedure Act.

The Department's emergency rule revises eligibility criteria for certification and awarding of matching grants from Build Illinois funds for local tourism and convention bureaus. The rulemaking includes a new requirement that new applicants must have at least 500 hotel or motel rooms eligible to collect the state's hotel/motel tax in their service area, and that each applicant (new and previously certified) can serve a maximum of only three counties, which must be contiguous.

In its notice of emergency rulemaking, the Department stated its reason for the emergency was that the rulemaking was the result of a lengthy review of existing rules which involved input of local governments and bureaus, and the certification deadline was March 31st. It should be noted that the effective date of this emergency rulemaking was March 28, 1990, just three days prior to the application deadline.

Section 5.02 of the Illinois Administrative Procedure Act requires that, in order to use emergency rulemaking powers, an agency must find "that an emergency exists which requires adoption of a rule upon fewer days notice than is required by Section 5.01." An emergency is defined by Section 5.02 as being "the existence of any situation which any agency

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yearly March deadline for certification applications has not been changed, so the Department and the bureaus know the timeframes that apply to this program.

Therefore, the Joint Committee objects to Section 550.60 of Department of Commerce and Community Affairs' emergency rulemaking entitled "Local Tourism and Convention Bureau Program" because there was no threat to the public interest, safety or welfare which justified the use of emergency rulemaking under Section 5.02 of the Illinois Administrative Procedure Act.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO EMERGENCY RULEMAKING

STATE BOARD OF ELECTIONS

Heading of Part:

Raffles Conducted by Political Committees

Code Citation:

26 Ill. Adm. Code 210

Section Numbers:

210.10

210.Appendix A

210.Appendix B

Date Originally Published in Illinois Register:May 4, 1990
14 Ill. Reg. 6907

At its meeting on June 5, 1990, the Joint Committee on Administrative Rules objected to the above emergency rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute a refusal to amend or repeal the rule.

The specific objection is as follows:

The Joint Committee objects to the State Board of Elections' emergency rulemaking entitled "Raffles Conducted By Political Committees" (26 Ill. Adm. Code 210) because any emergency situation which may exist has been created solely by failure of the Board to act in a timely fashion pursuant to the general rulemaking procedures of Section 5.01 of the Illinois Administrative Procedure Act.

The State Board of Elections adopted this emergency rule to implement Public Act 86-394 by setting forth licensing procedures for political committees wishing to conduct raffles or games of chance. The rules set forth eligibility and application requirements, revocation procedures and filing requirements.

This emergency rule was filed on April 24, 1990, and became effective May 1, 1990. Identical proposed rules were published in the March 16, 1990, issue of the Illinois Register. The Board was asked to explain the threat to the public interest, safety, or welfare which justified the use of emergency rulemaking. The Board stated that it was necessary to use emergency rulemaking procedures to prevent political committees from holding raffles before the proposed rules were adopted. The Board stated that rules were necessary because the enacting statute is not self-enforcing and it was believed that political committees would misread the statute and hold illegal raffles.

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ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO EMERGENCY RULEMAKINGSTATE BOARD OF ELECTIONS
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Public Act 86-394 was approved by the Governor on August 30, 1989, and became effective January 1, 1990. The Board stated that although it was under no legislative time constraint to adopt rules it was felt that the provisions of Public Act 86-394 should be implemented before any unlawful and unlicensed gaming activity occurred. The Board was asked what action had been taken since the Public Act was approved in August of 1989. The Board stated that the rules were drafted but not proposed until March of 1990, because the Board was awaiting action on legislation introduced during the veto session that may have affected the rules. The Board drafted legislation in the form of HB 2821 in an attempt to clean up certain provisions of the Public Act. HB 2821 was tabled May 7, 1990.

On May 14, 1990, the Board began sending the text of rules, as well as the necessary forms, to all political committees currently on file with the Board, in order to notify the affected public.

Section 5.02 of the Illinois Administrative Procedure Act (IAPA) defines "emergency" as "the existence of any situation which any agency finds reasonably constitutes a threat to the public interest, safety or welfare" which requires the adoption of rules of fewer days notice than is required by Section 5.01 of the IAPA. The Board's basis for emergency rulemaking in this instance is inadequate. Even if the absence of promulgated rules constituted a threat to the "public interest, safety or welfare", this does not explain why rules could not have been adopted by the Board in the interval in which Public Act 86-394 was approved and its statutory requirements were known to the Board. The Board indicated that it had developed rules for proposal prior to the effective date of Public Act 86-394. Any emergency which exists is a direct result of the Department's failure to revise its own rules in a timely fashion.

The Joint Committee has long taken the position that Section 5.02 procedures may not be used where the emergency is "agency created." This position has been supported by the Illinois Appellate Court in a previous case of agency rulemaking by the Department, Senn Park Nursing Center v. Miller (1983), 118 Ill. App. 3d 733, 455 N.E. 2d 162, affirmed 104 Ill. 2d 169, 470 N.E.2d 1029 (1984). In Senn Park the court stated that "it would defeat the purposes of the notice and comment procedures if an agency could dispense with such procedures by enacting an emergency rule where the 'emergency' was created by the agency's failure to follow these procedures in the first place." As in Senn Park, the Board concedes in this instance that the "emergency"

JOINT COMMITTEE ON ADMINISTRATIVE RULES
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was the result of an attempt to change the enacting statute before proposing rules and failing to follow these procedures in the first place.

Therefore, the Joint Committee objects to the State Board of Elections' emergency rulemaking entitled "Raffles Conducted By Political Committees" (26 Ill. Adm. Code 210) because any emergency situation which may exist has been created solely by failure of the Board to act in a timely fashion pursuant to the general rulemaking procedures of Section 5.01 of the Illinois Administrative Procedures Act.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
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DEPARTMENT OF PUBLIC AID

Heading of Part: Reimbursement for Nursing Costs for Geriatric Facilities

Code Citation: 89 Ill. Adm. Code 147

Section Numbers: 147.150

Date Originally Published in Illinois Register: May 4, 1990
14 Ill. Reg. 6915

At its meeting on June 5, 1990, the Joint Committee on Administrative Rules objected to the above emergency rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute a refusal to amend or repeal the rule.

The specific objection is as follows:

The Joint Committee objects to the Department of Public Aid's emergency rulemaking entitled "Reimbursement for Nursing Costs for Geriatric Facilities" (89 Ill. Adm. Code 147) because any emergency situation which may exist has been created solely by failure of the Department to act in a timely fashion pursuant to the general rulemaking procedures of Section 5.01 of the Illinois Administrative Procedure Act.

The Department of Public Aid adopted this emergency rulemaking to implement effective January 1, 1990, an annual, rather than quarterly, inspection of care (IOC) survey in nursing facilities. The rate each facility receives for nursing costs is based on the IOC assessment. The rule sets forth criteria for a facility to request an interim survey for a midyear rate change, and specifies that Medicaid patients are to be included in the inspection of care survey. The rule specifies that if the facility participates in the Quality Incentive Program (QUIP), then the IOC will be conducted concurrently with the QUIP assessment. The rule also specifies that in order to request an interim survey the facility must have a 25% or greater turnover in Medicaid residents since the last IOC, or reason to believe there has been a 7% or greater increase in the average per patient care time.

On April 19, 1990, this emergency rule was filed and became effective. Identical permanent rules were published in the May 4, 1990 Illinois Register. The Department was asked to explain the threat to the public interest, safety or welfare which justified the use of emergency

STATEMENT OF OBJECTION TO EMERGENCY RULEMAKINGDEPARTMENT OF PUBLIC AID
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rulemaking in this instance. The Department stated that the rule affects survey methodologies used in nursing facilities to determine the status of residents' health and safety. The Department stated there exists a perceived threat to the health and safety of persons who would be adversely affected by the failure to implement this policy.

The Department offered no other explanation for its use of emergency rulemaking other than the need for prompt action necessitated by the Department's delay in revision of its rules to reflect changes in the Department's policy concerning IOC surveys and assessments. Although the rule states that IOC surveys are to be done effective January 1, 1990, the emergency rules were not filed until April 14, 1990. The Department stated all vendors had been informed of this emergency rulemaking by means of notices issued by the Department.

Section 5.02 of the Illinois Administrative Procedure Act (IAPA) defines "emergency" as "the existence of any situation which any agency finds reasonably constitutes a threat to the public interest, safety or welfare" which requires the adoption of rules on fewer days notice than is required by Section 5.01 of the IAPA. The Department's basis for emergency rulemaking in this instance is inadequate. Even if the absence of survey and assessment procedures constituted a threat to the "public interest, safety or welfare", this does not explain why rules could not have been adopted by the Department in the interval in which the Department desired to implement the rules and the filing date of the emergency rules. Any emergency which exists is a direct result of the Department's failure to revise its own rules in a timely fashion.

The Joint Committee has long taken the position that Section 5.02 procedures may not be used where the emergency is "agency created." This position has been supported by the Illinois Appellate Court in a previous case of agency rulemaking by the Department, Senn Park Nursing Center v. Miller (1983), 118 Ill. App. 3d 733, 455 N.E. 2d 162, affirmed 104 Ill.2d 169, 470 N.E.2d 1029 (1984). In Senn Park the court stated that "if an agency could dispense with such procedures by enacting an emergency rule where the 'emergency' was created by the agency's failure to follow these procedures in the first place." As in Senn Park, the Department concedes in this instance that the "emergency" was the result of an "avoidable administrative failure" to follow these procedures in the first place.

Therefore, the Joint Committee objects to the Department of Public Aid's rules entitled "Reimbursement for Nursing Costs for Geriatric Facilities" (89 Ill. Adm. Code 147) because any emergency situation which may

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO EMERGENCY RULEMAKINGDEPARTMENT OF PUBLIC AID
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exist has been created solely by failure of the Department to act in a timely fashion pursuant to the general rulemaking procedures of Section 5.01 of the Illinois Administrative Procedure Act.

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DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish this information in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act
Citation: Ill. Rev. Stat. 1989, ch. 127, par. 2001
(Public Act 82-727, effective November 12, 1981)

2. Summary of information:

Index of Department of Revenue Sales and Excise Tax letter rulings issued for the First Quarter of 1990.

The ruling letters are listed numerically with a brief synopsis and then indexed by subject area.

Sales and Excise Tax subject headings are as follows:

Agents	Itinerant Vendors
Agricultural Producers & Products	Leasing
Assessments	Liquor Tax
Auto Renting Tax	Local Taxes
Bingo	Mandatory Service Charges
Books and Records	Manufacturers
Bulk Sales	Manufacturing Machinery and Equipment
C.O.A.D.	Miscellaneous
Certificate of Registration	Motor Fuel Tax
Cigarette Tax	Motor Vehicles
Claims for Credit	Nexus
Coal Fueled Devices	Non-profit Institutions
Coal Mining Equipment	Occasional Sale
Coins & Precious Metals	Oil Field Equipment
Computer Software	Penalties
Construction Contractors	Pollution Control Facilities
Cooperative Associations	Prepaid Sales Tax
Delivery Charges	Products of Photoprocessing
Distillation Machinery	Property Tax
Enterprise Zones	Public Utility Taxes
Exempt Organizations	Real Estate Transfer Tax
Farm Machinery & Equipment	Repairs
Federal Excise Tax	Replacement Vehicle Tax
Financial Institutions	Returns
Food, Drugs and Medical Appliances	Rolling Stock Exemption
Governmental Bodies	Sale at Retail
Graphic Arts	Sale for Resale
Gross Receipts	Sale of Service
Hotel Operators Tax	Sellers of Newspapers, Magazines, Etc.
Interest	Signature
Interstate Commerce	

NOTICE OF PUBLIC INFORMATION

(Continued)

Special Order
Statute of Limitations
Tax Collection
Tax Increment Financing
Tax Rate
Telecommunications Excise Tax
Temporary Storage
Trade-Ins
Use Tax
Vehicle Use Tax
Vendors

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25¢ per page for each page over one.

The annual publication (all four quarters) is available for \$4.50.

3. Name and address of person to contact concerning this information:

Margaret Forth
Legal Division
101 West Jefferson Street
Springfield, Illinois 62708
Telephone: (217) 782-6996

1990 FIRST QUARTER SUNSHINE INDEX

AUTO RENTING TAX

90-0040 2-6-90 The Illinois sales tax consequences of an automobile leasing activity depend upon the duration of the lease. If the lease is for one year or less, Illinois Automobile Renting Occupation Tax liability on gross rental receipts is incurred. Lessors of automobiles under lease terms in excess of one year must pay sales tax on their cost price of the vehicle. However, the rental receipts under long-term lease agreements are not subject to Illinois sales tax liability.

BULK SALES

90-0067 2-23-90 A repossession of equipment and inventory by a lender under the terms of a financing agreement upon a default by a borrower does not constitute a transfer within the meaning of the Bulk Sales provision of the Retailers' Occupation Tax Act.

CLAIMS FOR CREDIT

90-0055 2-9-90 Only the person who paid the tax to the Department can file a claim for credit.

COMPUTER SOFTWARE

90-0121 3-27-90 If the selling prices of computer hardware and software are not separately stated on a selling invoice, the whole selling price is taxable even if such software would have been exempt if separately stated.

CONSTRUCTION CONTRACTORS

90-0060 2-15-90 A combination retailer/construction contractor who is uncertain whether he will resell building materials over-the-counter or incorporate them into real estate, can give the certification described at 86 Ill. Adm. Code 130.2075(b) when purchasing those building materials.

90-0072 2-28-90 Contractors are liable for Use Tax when permanently affixing waste treatment systems to real estate.

90-0082 3-8-90 Sales of materials to construction contractors for incorporation into real estate owned by exclusively charitable, religious or educational institutions or organizations, or for incorporation into real estate owned by

governmental bodies, are exempt from Retailers' Occupation Tax and Use Tax. See 86 Ill. Adm. Code 130.2075(d).

3-13-90 Carpeting which is glued or cemented to the floor is considered permanently affixed to real estate. Carpeting which is tacked down remains tangible personal property.

3-14-90 For Illinois sales tax purposes, a carpet installation constitutes a construction contract situation where the carpet is glued down. Where the carpet is tacked down, a retail transaction results.

3-15-90 This letter describes the forms which the pre-development transfer requirement may take when construction contractors claim the exemption for building materials purchased for incorporation into improvements which are to be turned over to a governmental unit upon completion. See, 86 Ill. Adm. Code 130.2075(c).

3-15-90 Sellers of modular homes who permanently affix the modular units to realty are deemed end-users of those units.

3-15-90 For purposes of the Illinois sales tax laws, the sale and installation of an underground sprinkler system is a construction contract situation with the seller/installer incurring a Use Tax liability based on his cost price of components of the system.

ENTERPRISE ZONES

3-7-90 Location in an enterprise zone does not confer blanket sales tax exempt status. The exemptions related to enterprise zones are set out in 86 Ill. Adm. Code 130.1951

3-27-90 In order to claim the enterprise zone deduction, building materials must be incorporated into real estate located in a zone by remodeling, rehabilitation or new construction. The retailer needs to be located in the municipality or incorporated area of the county which established the zone. See 86 Ill. Adm. Code 130.1951(a).

EXEMPT ORGANIZATIONS

3-14-90 Sales to governmental units are exempt from Retailers' Occupation Tax.

FARM MACHINERY & EQUIPMENT

90-0098 3-14-90 Oil, grease and anti-freeze do not constitute machinery or equipment and do not qualify for the Farm Machinery and Equipment Exemption.

FOOD, DRUGS AND MEDICAL APPLIANCES

90-0071 2-28-90 Effective 1/1/90, the Illinois Retailers' Occupation Tax rate applicable to sales of medical appliances is 1%.

90-0096 3-14-90 Bandages, over-the-counter products purporting to have medicinal qualities, first-aid kits and emergency oxygen units qualify for the reduced rate of tax applicable to medical appliances.

90-0100 3-15-90 Vitamins and food supplements qualify for the low rate of tax.

90-0107 3-19-90 Adult diapers are subject to a low tax rate.

90-0117 3-26-90 Under the authority of Travenol Laboratories, Inc. v. Department of Revenue, 195 Ill. App. 3rd 532, medical appliances sold to health care professionals for use in delivering medical services can qualify for the reduced rate of tax.

90-0122 3-28-90 This letter makes determinations concerning the high rate/low rate of tax to items sold by a medical supply house.

90-0128 3-29-90 Candy bars and aspirin are taxed at the low rate of tax.

GROSS RECEIPTS

90-0068 2-23-90 Gross receipts from a "two for the price of one" sale are measured by the amount actually received by the retailer (the price of one).

90-0103 3-15-90 When a retailer receives reimbursement on a discount coupon, the amount of that reimbursement must be included in gross receipts when calculating Retailers' Occupation Tax liability. See 86 Ill. Adm. Code 130.2125.

90-0127 3-28-90 Transportation charges can be excluded from the sales tax calculation only when the seller and the purchaser agree to the transportation charge separate and apart from the selling price of the item being sold. Setting out a

transportation or delivery charge as a separate item on an invoice is not evidence of a separate agreement for delivery.

90-0129

2-22-90 When documentation of a distinct agreement for freight and delivery services is in evidence, the transportation cost may be deducted from gross receipts.

INTERSTATE COMMERCE

90-0044

2-6-90 The interstate commerce exemption has no application where the seller makes an out-of-State delivery of items which will be returned to Illinois.

90-0049

2-6-90 Where an Illinois retailer is required to make an out-of-State delivery of items which will not be returned to Illinois, the Interstate Commerce Exemption is available.

90-0061

2-15-90 The Interstate Commerce Exemption is available where the Illinois seller is required to deliver outside Illinois and does make the out-of-State delivery. This is true even though the items remain in the seller's inventory for a time awaiting that delivery.

LEASING

90-0043

2-6-90 Occasional sale of medical equipment and subsequent lease back arrangements are exempt from Illinois Retailers' Occupation Tax and Use Tax.

90-0050

2-6-90 For purposes of Illinois sales tax, lessors are deemed to be the users of items purchased for their rental inventories.

90-0077

3-6-90 For Illinois sales tax purposes, lessors are deemed to be the users of items purchased for their rental inventories.

90-0115

3-23-90 Lessors incur Use Tax liability on their cost price of items purchased for their rental inventories. Transportation & delivery charges are includable in gross receipts if not separately contracted for.

LOCAL TAXES

90-0035

2-2-90 An out-of-State seller who accepts purchase orders outside Illinois and sells items located outside Illinois at the time of sale, does not incur Municipal Retailers' Occupation Tax liability. See 86 Ill. Adm. Code 270.115

90-0053

2-7-90 Retailers who accept purchase orders outside Illinois and who maintain no inventory in Illinois are not liable for local Retailers' Occupation Tax liabilities.

90-0070

2-27-90 This letter acknowledges receipt of RTA/ROT and RTA/SOT ordinances imposed under the authority of PA 85-1135 and effective January 1, 1990.

90-0113

3-22-90 Purchase order acceptance fixes jurisdiction for local Retailers' Occupation Tax liability. In the absence of an IL purchase order acceptance, the location of an IL inventory fixes jurisdiction for local Retailers' Occupation Tax liability.

90-0123

3-28-90 The provision permitting a municipality to impose a Home Rule Tax does not allow the municipality to impose a tax on certain food and drugs and exempt others.

90-0125

3-28-90 Local Retailers' Occupation Tax jurisdiction depends on purchase order acceptance.

90-0126

3-28-90 The provision permitting a municipality to impose a Home Rule Tax does not allow the municipality to impose a tax on certain food and drugs and exempt others.

MANUFACTURING MACHINERY AND EQUIPMENT

90-0038

2-6-90 Repair parts for machinery which qualifies for the Manufacturing Machinery and Equipment Exemption can also qualify for the exemption when sold "over-the-counter." The exemption is not available when the parts are transferred incident to a repair service.

90-0041

2-6-90 Machinery which places tangible personal property into the packaging in which it is sold to the ultimate consumer can qualify for the Manufacturing Machinery and Equipment Exemption.

90-0042

2-6-90 Abrasives, electric hand tools, saw blades, and drill bits can qualify for the Manufacturing Machinery and Equipment Exemption.

90-0054

2-9-90 Fuel does not qualify as manufacturing machinery and equipment.

90-0062

2-20-90 The documentation requirements of the manufacturing machinery and equipment exemption are set out at 86 Ill. Adm. Code 130.330(g).

DEPARTMENT OF REVENUE

- 90-0073 2-28-90 Chemicals used in manufacturing do not qualify for exemption.
- 90-0079 3-8-90 The Manufacturers Equipment and Machinery exemption does not apply to the use of machinery or equipment to store, convey, handle or transport finished articles at the end of the production cycle. This would also apply to equipment which stores, handles, conveys or transports materials prior to their entrance into the production cycle. See, Ill. Adm. Code 130.330(d)(4)(c) and (D).
- 90-0105 3-15-90 Ground corn cobs used as an abrasive medium to polish items being manufactured for sale can qualify for the Manufacturing Machinery & Equipment Exemption.
- 90-0108 3-16-90 Abrasives used in a manufacturing machine to polish the item being manufactured can qualify for the manufacturing machinery and equipment exemption as replacement parts.
- 90-0112 3-22-90 Trucks delivering gravel and crushed stone do not qualify for the manufacturing machinery and equipment exemption.
- 90-0119 3-26-90 Machinery and equipment used to manufacture dental products can qualify for the Manufacturing and Machinery exemption.
- MISCELLANEOUS
- 90-0036 2-5-90 The Illinois sales tax laws are conditioned upon the transfer of tangible personal property for use or consumption.
- 90-0051 2-7-90 A contract carrier who makes no sales of tangible personal property incurs no obligation to collect Illinois sales tax.
- 90-0056 2-13-90 The Governor's approval would be required in order to allow an Indian tribe to establish a bingo operation in Illinois.
- 90-0063 2-20-90 Effective 1/1/90, the Illinois Retailers' Occupation Tax Rate is 6 1/4%.
- 90-0081 03-08-90 Retailers' Occupation Tax does not apply to sales of machinery and equipment used primarily in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. See 86 Ill. Adm. Code
- 90-0083 03-09-90 A list of entities currently holding an exemption number under the Sales Tax Exemption Status may be available under the Freedom of Information Act. See 2 Ill. Adm. Code 1201.210 and 1201.220.
- 90-0093 3-14-90 Isolated sale of an aircraft by a disclosed principal results in no Retailers' Occupation Tax liability.
- 90-0095 3-14-90 The Illinois Department of Revenue has no jurisdiction to intercede in a dispute between a repairman and a service customer involving an Indiana sales tax liability for which the serviceman sought reimbursement.
- 90-0101 03-15-90 Coal purchases intended for resale will not incur tax. A resale number can be presented to the coal supplier thereby avoiding tax liability.
- 90-0111 3-20-90 Federal credit unions are exempt from paying Use Tax by virtue of 12 U.S.C. 1768. However, that Federal statute provides no exemption for the Retailers' Occupation Tax liability incurred by Illinois retailers making sales to Federal credit unions.
- 90-0116 3-23-90 Public Act 86-383 requires that applications to register under the Retailers' Occupation Tax Act contain "the name and address of the person or persons who will be responsible for filing returns and payment of taxes due under this Act...and the application shall contain an acceptance of this Act...and the application shall contain an acceptance of responsibility signed by the person or persons who will be responsible for filing returns and payment of the taxes under this Act."
- MOTOR FUEL TAX
- 90-0109 3-16-90 RTA/MED tax is not treated in the same manner as Federal Excise Tax and Underground Storage Tank Tax for figuring gasoline exemption.
- POLLUTION CONTROL FACILITIES
- 90-0057 2-13-90 Bulldozers used in a landfill to cover waste material can qualify for the Pollution Control Exemption but trucks used to transport waste to the landfill would not qualify.

SALE OF SERVICE

- 90-0064 2-20-90 Down draft system which removes dust and paint overspray which would otherwise escape unfiltered, can qualify as a pollution control facility.
- 90-0080 3-8-90 So long as the primary purpose of an air cleaner is the removal of pollutants from the air, it can qualify for the exemption afforded pollution control facilities.
- 90-0090 3-13-90 Any system or appliance used for the primary purpose of eliminating, preventing or reducing air and water pollution is exempt from taxation under the Retailers' Occupation Tax Act. (86 Ill. Adm. Code 130.335)
- 90-0094 3-14-90 Septic systems do not qualify as pollution control facilities.
- 90-0118 3-26-90 Filters sold to an asbestos abatement business, which are installed in water discharge systems to filter asbestos from water being released into sewer systems, can qualify for the pollution control exemption.

RETURNS

- 90-0087 3-13-90 The Retailers' Occupation Tax Act requires the filing of returns on a monthly basis

SALE AT RETAIL

- 90-0059 2-13-90 Where tangible personal property is sold to users or consumers by means of vending machines, the person owning the property contained in the machines makes final sales of such property for use or consumption and thereby measures Retailers' Occupation Tax liability. See 86 Ill. Adm. Code 130.2135.

SALE FOR RESALE

- 90-0089 3-13-90 Sales of cement to manufacturers who incorporate it into a product for resale qualify for exemption as sales for resale.
- 90-0130 2-18-90 Illinois Business Tax numbers do not confer tax exemption status in and of themselves, but can be provided on Certificates of Resale to document purchases for resale.

- 90-0037 2-5-90 This letter sets out the changes in the Service Occupation Tax which became effective January 1, 1990.

- 90-0045 2-6-90 Service Occupation Tax applies to boarders of horses.
- 90-0047 2-6-90 The Illinois Service Occupation Tax is conditioned upon the transfer of tangible personal property incident to a sale of service.

- 90-0065 2-20-90 A secondary serviceman incurs Service Occupation Tax at a rate of 1% of the selling price of medical appliances sold to primary servicemen or 50% of the entire invoice if such selling price is not separately stated. The primary serviceman may issue the secondary serviceman a Certificate of Resale and can purchase such items tax-free if that primary serviceman is registered.

- 90-0069 2-26-90 The purchase of an ambulance chassis by an ambulance company is subject to Illinois Use Tax liability. The cost of having a modular unit owned by the ambulance company mounted on the new chassis does not result in Service Use Tax liability.

- 90-0075 3-2-90 Describes how the Service Occupation Tax changes effective 1/1/90 affect sub-service situations.

- 90-0086 3-13-90 Application of Service Occupation Tax to auto body shops.

- 90-0088 3-13-90 Application of Service Occupation Tax to oil changes.

- 90-0110 3-19-90 Trash bags, the selling price of which contains a fee for disposal service, measure tax under Service Occupation Tax upon 50% of the selling price.

- 90-0114 3-23-90 Effective 1/1/90, a serviceman who is not de minimus and who does not show the selling price of repair parts as a separate item incurs a Service Occupation Tax liability based on 50% of the entire service billing.

- 90-0124 3-28-90 Describes the application of the Service Occupation Tax to several situations involving the sale of leaf collection bags which include hauling fee in the sales price.

ILLINOIS REGISTER
DEPARTMENT OF REVENUE

10179
90

VEHICLE USE TAX

90-0074 3-1-90 Vehicle Use Tax does not apply to the title transfers to a receiver pursuant to a plan of asset liquidation.

USE TAX

90-0034 2-2-90 Auto body shops incur an Illinois Use Tax liability when purchasing consumable supplies such as sand paper and masking tape. These items are not resold and costing them out to specific jobs does not change that fact.

90-0046 2-6-90 Out-of-State lessor is subject to Illinois Use Tax when leasing items at Illinois locations.

90-0048 2-6-90 Pursuant to the provisions of PA 86-261, the definition of a "retailer maintaining a place of business in (Illinois)" includes out-of-State retailers "... owned or controlled by the same interests which own or control any retailer engaging in business in the same or similar line of business in this State."

90-0052 2-7-90 The Use Tax does not apply to the Illinois use of items acquired outside Illinois by a nonresident individual who then brings the items to Illinois after having used them outside Illinois for three months. See 86 Ill. Adm. Code 150.315(a).

90-0058 2-13-90 The factors which establish nexus with Illinois for purposes of determining Illinois Use Tax collection obligations are set out at PA 86-261.

90-0066 2-22-90 Effective January 1, 1990, out-of-State Use Tax collectors collect at the rate of 6.25%.

90-0076 3-9-90 The sale of an airplane by a seller who is not in the business of selling airplanes does not result in an Illinois sales tax liability. See 86 Ill. Adm. Code 130.101.

90-0085 3-13-90 Tangible personal property acquired outside this State, brought into this State for temporary storage and then used solely outside the State is not subject to Illinois Use Tax. A temporary storage exemption applies in this situation.

90-0091 3-13-90 The Use Tax Act contains a provision authorizing a credit for sales taxes properly paid to another state.

90-0092 3-14-90 Customer trade-in is not available to reduce a lessor's Use Tax liability.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 4, 1990, through June 8, 1990, and have been scheduled for review by the Committee at its July 26, 1990 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its July meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
7/20/90	Department of Conservation, Disposition of Deer Accidentally Killed by a Motor Vehicle or Other Non-Hunting Methods (17 Ill. Adm. Code 750)	4/6/90 14 Ill. Reg. 4985	July 26, 1990
7/20/90	Department of Conservation, Dog Training on Department-Owned or Managed Sites (17 Ill. Adm. Code 950)	4/6/90 14 Ill. Reg. 4990	July 26, 1990
7/20/90	Department of Conservation, Duck, Goose and Coot Hunting (17 Ill. Adm. Code 590)	4/6/90 14 Ill. Reg. 4996	July 26, 1990
7/20/90	Department of Central Management Services, Pay Plan (80 Ill. Adm. Code 310)	4/13/90 14 Ill. Reg. 5269	July 26, 1990
7/20/90	Illinois Industrial Commission, Arbitration (50 Ill. Adm. Code 7030)	4/20/90 14 Ill. Reg. 5655	July 26, 1990
7/20/90	Illinois Industrial Commission, Insurance Regulations (50 Ill. Adm. Code 7100)	4/20/90 14 Ill. Reg. 5662	July 26, 1990
7/20/90	Illinois Industrial Commission, Miscellaneous (50 Ill. Adm. Code 7110)	4/20/90 14 Ill. Reg. 5671	July 26, 1990
7/20/90	Illinois Industrial Commission, Review (50 Ill. Adm. Code 7040)	4/20/90 14 Ill. Reg. 5682	July 26, 1990

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
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Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
7/23/90	State Board of Education, Certification (23 Ill. Adm. Code 25)	3/9/90 14 Ill. Reg. 3331	July 26, 1990
7/23/90	Department of Public Aid, Aid to Families with Dependent Children (89 Ill. Adm. Code 112.70 through 112.82)	1/19/90 14 Ill. Reg. 1123	July 26, 1990
7/23/90	Department of Public Aid, Aid to Families with Dependent Children (89 Ill. Adm. Code 112.83, 112.308 and 112.350 through 112.418)	1/19/90 14 Ill. Reg. 1123	July 26, 1990
7/23/90	Department of Public Aid, Aid to Families with Dependent Children (89 Ill. Adm. Code 112.315)	1/19/90 14 Ill. Reg. 1123	July 26, 1990
7/23/90	Department of Public Aid, Medical Assistance Programs (89 Ill. Adm. Code 120)	4/27/90 14 Ill. Reg. 5954	July 26, 1990
7/23/90	Department of Public Aid, Aid to Families with Dependent Children (89 Ill. Adm. Code 112)	4/20/90 14 Ill. Reg. 5695	July 26, 1990
7/23/90	Department of Public Aid, Medical Assistance Programs (89 Ill. Adm. Code 120)	4/20/90 14 Ill. Reg. 5724	July 26, 1990
7/23/90	Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140)	4/20/90 14 Ill. Reg. 5726	July 26, 1990
7/23/90	Department of Public Aid, Hospital Services (89 Ill. Adm. Code 148)	4/13/90 14 Ill. Reg. 5409	July 26, 1990

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED
(page 3)

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
7/23/90	Department of Public Aid, General Assistance (89 Ill. Adm. Code 114)	4/20/90 14 Ill. Reg. 5713	July 26, 1990
7/23/90	Department of Children and Family Services, Reports of Child Abuse and Neglect (89 Ill. Adm. Code 300)	12/29/89 13 Ill. Reg. 20159	July 26, 1990
7/23/90	Department of Insurance, Group Coverage Discontinuance and Replacement (50 Ill. Adm. Code 2013)	2/2/90 14 Ill. Reg. 1729	July 26, 1990

PROCLAMATION

90-288
ILLINOIS MARINE CORPS LEAGUE DAYS

Whereas, the purpose of the Department of Illinois Marine Corps League is to encourage social relations among its members; and

Whereas, it seeks to preserve the traditions, commemorate the honors won on the field of battle, and celebrate with appropriate ceremonies outstanding deeds performed by its members; and

Whereas, it honors the memory of the men of the United States Marine Corps who have given their lives in the defense of the United States; and

Whereas, it fosters and promotes the principles of American freedom and democracy; and

Whereas, it bands together in fellowship those who have honorably served in or with the United States Marine Corps and preserves the bond of comradeship between those in the service and those who have returned to civilian life; and

Whereas, it seeks to further the interests of the members, families, and friends of the Department of Illinois Marine Corps League and the United States Marine Corps;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim June 21-24, 1990, to be ILLINOIS MARINE CORPS LEAGUE DAYS.

Issued by the Governor June 4, 1990.
Filed with the Secretary of State June 11, 1990.

90-289
SEEDS OF INTERDENOMINATIONAL FAMILY DAY

Whereas, the Seeds of Faith Interdenominational Church of Chicago has initiated a Family and Friends Day to celebrate the family and the strength, training, and nurturing the family provides; and

Whereas, the Friends and Family Day will highlight the bonding between the biological family and the spiritual family; and

Whereas, the theme of the 1st annual Family and Friends Day is "Family & Friend Walking in the Power of God";

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim June 10, 1990, as SEEDS OF INTERDENOMINATIONAL FAMILY DAY in Illinois.

Issued by the Governor June 4, 1990.
Filed with the Secretary of State June 11, 1990.

90-290

CERTIFIED NURSE ASSISTANT DAY

Whereas, Certified Nurse Assistants working in long-term care facilities provide compassionate and concerned care for residents and their families; and

Whereas, Certified Nurse Assistants provide nearly 90% of the direct nursing care given to residents in long-term care facilities; and

Whereas, Certified Nurse Assistants have improved the quality of life for tens of thousands of frail and elderly citizens of Illinois; and

Whereas, Certified Nurse Assistants help restore residents to their highest functioning level;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim June 7, 1990, as CERTIFIED NURSE ASSISTANT DAY in Illinois.

Issued by the Governor June 5, 1990.

Filed with the Secretary of State June 11, 1990.

90-291

LECH WALESA DAY

Whereas, St. John the Baptist Catholic Church in Harvey is celebrating its annual Polish Festival June 21-24, 1990; and

Whereas, Sunday, June 24, has been designated as the festival's Lech Walesa Day in order to honor the Polish leader with an award and a day of entertainment; and

Whereas, this day will not only honor Lech Walesa, but will also recognize the remarkable changes that have been taking place in Europe and how these changes have added a new note of hope to the Polish community in our state and our nation;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim June 24, 1990, as LECH WALESA DAY in Illinois in honor of the achievements this distinguished Polish leader has made and the light of hope he has created for Polish people everywhere.

Issued by the Governor June 5, 1990.

Filed with the Secretary of State June 11, 1990.

90-292

OHIO RIVER SWEEP DAY

Whereas, the Ohio River provides Illinois citizens with drinking water and recreational and scenic routes; and

Whereas, the Ohio River preserves southern Illinois history as it winds along towns full of legends and folklore; and

Whereas, to remind Illinois citizens to preserve the Ohio River, the Ohio River Valley Sanitation Commission, the Illinois Environmental Protection Agency, and the states bordering the

Ohio River will conduct a one-day cleanup of the Ohio River banks;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim June 16, 1990, as OHIO RIVER SWEEP DAY in Illinois to promote the cleanup of the Ohio River banks, to improve its scenery, and to increase public awareness of the importance of the Ohio River and all Illinois waters.

Issued by the Governor June 5, 1990.

Filed with the Secretary of State June 11, 1990.

90-293

THE WOODLAWN ORGANIZATION DAY

Whereas, The Woodlawn Organization (TWO) was founded 30 years ago as a not-for-profit, community-based organization; and

Whereas, TWO has demonstrated its strong commitment to the family and the community by enhancing the quality of the lives of 10,000 people each year; and

Whereas, TWO has gained national recognition for its trailblazing work in the areas of civil rights, education, employment training, housing development, human services, and economic development; and

Whereas, TWO will celebrate its 30th anniversary at a special reception June 7 in Chicago and during its annual convention June 16;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim June 7, 1990, as THE WOODLAWN ORGANIZATION DAY in Illinois in recognition of TWO's 30 years of dedication to its community.

Issued by the Governor June 5, 1990.

Filed with the Secretary of State June 11, 1990.

90-294

KID SAFE SATURDAY

Whereas, The National Child Safety Council is dedicated to bringing the message of safety to children nationwide with various educational workshops offered through a program called Kid Safe; and

Whereas, the educational workshops cover a variety of safety topics including fire safety, traffic safety, water safety, emergency first aid, emergency telephone training, and personal safety; and

Whereas, Kid Safe has been implemented in hospitals in more than 130 cities and 35 states; and

Whereas, the National Child Safety Council and its Illinois Kid Safe sponsors comprised of the healthcare community, emergency services, the American Red Cross, the American Heart Association, the business community, and hundreds of community organizations throughout the State of Illinois are coordinating

90 efforts to deliver the Kid Safe message to thousands of children through a "Kid Safe Illinois-1990" campaign;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 13, 1990, as KID SAFE SATURDAY in Illinois and encourage citizens to take the steps necessary to make Illinois a safe place for our children to live.

Issued by the Governor June 7, 1990.

Filed with the Secretary of State June 11, 1990.

90-295

PHARMACEUTICAL MANUFACTURERS DAY

Whereas, the Illinois pharmaceutical manufacturers are worldwide research-based companies with interrelated businesses in health care, agriculture and specialty organic chemicals, as well as diversified interests in consumer and materials science products; and

Whereas, the Illinois pharmaceutical manufacturers employ more than 20,000 people throughout Illinois, operate more than 50 production and distribution facilities in the state, and rank among the leading industrial concerns of Illinois; and

Whereas, since beginning operations in Illinois in the 1800s, Illinois pharmaceutical manufacturers have greatly enhanced the quality of life through pharmaceutical innovation and have created a world center of high technology, thereby making an important contribution to a prosperous Illinois economy;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim June 12, 1990, as PHARMACEUTICAL MANUFACTURERS DAY in Illinois in appreciation of their contributions to our state.

Issued by the Governor June 8, 1990.

Filed with the Secretary of State June 11, 1990.

90-296

STATE-SUPPORTED HOME FOR VETERANS WEEK

Whereas, state-supported homes specifically designed for the nation's veterans have been established in 35 states; and

Whereas, in 1886 the State of Illinois established the Illinois Soldiers and Sailors Home in Quincy, which later became the Illinois Veterans Home; and

Whereas, the Illinois Veterans Home serves the critical needs of Illinois veterans today and will continue to serve those needs in the future; and

Whereas, the invaluable contributions the home and its staff make to increasing the quality of life for Illinois veterans and their families deserve special recognition; and

Whereas, citizens need to be more aware of the vital and significant role the Veterans Home plays within the framework of our society;

90 Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim June 10-16, 1990, as STATE-SUPPORTED HOME FOR VETERANS WEEK in Illinois and urge citizens to observe this special week by visiting the Illinois Veterans Home and expressing gratitude and appreciation to the staff of the home. Issued by the Governor June 8, 1990.

Filed with the Secretary of State June 11, 1990.

JCAR - Joint Committee on Administrative Rules

ACTION CODES

A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Ordered by JCAR
C - Notice of Corrections	PP - Peremptory or Court ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR objections	S - Suspension ordered by JCAR
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR objections

EXAMPLE:

AGRICULTURE, DEPARTMENT OF

TITLE	PART	ACTION CODE	PAGE NUMBER	PREVIOUS VOLUME	ACTION CODE	PAGE NUMBER
8 Ill. Adm. Code 285	III. Grain Insurance Act (P-18048/85; A-6818)					

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

AGING, DEPARTMENT ON

89 Ill. Adm. Code 240	Community Care Program (P-1077) (P-13638/89; O-17144/89; R-1533) (P-13353/89; A-1233)
89 Ill. Adm. Code 230	Older Americans Act Programs (P-14499/89; A-2308)

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 110	Animal Diagnostic Laboratory Act (P-15911/89; A-1907) (P-16861/89; A-3416) (P-8759)
8 Ill. Adm. Code 75	Bovine Brucellosis (P-15915/89; A-1911)
8 Ill. Adm. Code 85	Diseased Animals (P-15926/89; A-1919) (P-8768)
8 Ill. Adm. Code 80	III. Bovine Tuberculosis Eradication Act (P-15938/89; A-1931)
8 Ill. Adm. Code 115	III. Pseudorabies Control Act (P-15942/89; A-1935) (P-19329/89; A-5065) (P-8773)
8 Ill. Adm. Code 40	Livestock Auction Markets (P-15950/89; A-1943)
8 Ill. Adm. Code 45	Marking Center (Livestock) (P-15956/89; A-1949)
8 Ill. Adm. Code 125	Meat & Poultry Inspection Act (P-16625/89; A-3424) (PP-4953)
8 Ill. Adm. Code 850	Motor Fuel Standards Act (P-19837/89; A-5072)
2 Ill. Adm. Code 700	Organizational Chart, Description, Rulemaking Procedure, & Programs (A-584) (A-4093) (A-9009)
8 Ill. Adm. Code 5	Standardization of Agriculture Products (P-3711)
8 Ill. Adm. Code 100	Swine Brucellosis (P-15960/89; A-1953)
8 Ill. Adm. Code 105	Swine Disease Control & Eradication Act (P-15968/89; A-1961) (P-8777)

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

77 Ill. Adm. Code 2058	Licensure of Alcoholism & Substance Abuse Treatment Intervention & Research Programs (P-6457)
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ATTORNEY GENERAL

86 Ill. Adm. Code 2000	III. Estate & Generation - Skipping Transfer Tax Act (P-4281)
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AUDITOR GENERAL

74 Ill. Adm. Code 420	Code of Regulations (P-1541)
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BANKS AND TRUST COMPANIES, COMMISSIONER OF

38 Ill. Adm. Code 395	Corporate Fiduciary Branch Offices (P-2981)
38 Ill. Adm. Code 396	Corporate Fiduciary Subsidiaries (P-2985)
38 Ill. Adm. Code 356	Reimbursement to Banks for Financial Records (P-3303)

CARNIVAL-AMUSEMENT SAFETY BOARD

56 Ill. Adm. Code 6000	Carnival & Amusement Ride Inspection Law (P-2989) (E-3235; O-5905)
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CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

80 Ill. Adm. Code 303	Conditions of Employment (P-17169/89; A-3433)
80 Ill. Adm. Code 2160	Local Government Health Plan (P-4288)
80 Ill. Adm. Code 5010	Marking, Inventory, Transfer & Disposal of State-Owned Personal Property (P-8271) (E-8714)

80 Ill. Adm. Code 310	Pay Plan (P-427; A-10002) (P-15141/89; A-615) (PP-1627) (P-17521/89; A-4455) (P-5269) (PP-7652) (P-7675)
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80 Ill. Adm. Code 3000	Travel Regulation Council, The (P-1548; A-10014)
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CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 431	Confidentiality of Personal Information of Persons Served by the Dept. (P-4303)
89 Ill. Adm. Code 410	Licensing Standards for Youth Emergency Shelters (P-439; O-8206; R-9622; A-9407) (E-999)
89 Ill. Adm. Code 300	Reports of Child Abuse & Neglect (P-20159/89; C-2684)

89 Ill. Adm. Code 337	Service Appeal Process (P-9273)
89 Ill. Adm. Code 302	Services Delivered by the Dept. (P-1) (P-2205) (P-14508/89; A-3438)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

14 Ill. Adm. Code 525	Economic Development Area Tax Increment Allocation Financing (P-13356/89; A-1968)
14 Ill. Adm. Code 520	Enterprise Zone Program (P-15975/89; A-3445)
14 Ill. Adm. Code 590	III. Large Business Development Program (P-7291)
14 Ill. Adm. Code 610	III. Public Infrastructure Loan & Grant Program (P-7300)
56 Ill. Adm. Code 2650	Industrial Training Program (P-15977/89; A-5075)
14 Ill. Adm. Code 550	Local Tourism & Convention Bureau Program (P-17567/89; A-5091) (P-5294) (E-5565; O-10159) (P-8782)
47 Ill. Adm. Code 120	State Administration of the Federal Community Services Block Grant Program (P-5296)
14 Ill. Adm. Code 545	Technology Advancement & Development Act Program (P-19336/89; A-9016)
56 Ill. Adm. Code 2610	Training Services for the Disadvantaged (P-5017/89; A-1976)
56 Ill. Adm. Code 2630	Uniform Fiscal & Administrative Standards for the Job Training Partnership Act (P-5310) (P-7312)

COMMERCE COMMISSION, ILLINOIS

92 Ill. Adm. Code 1207	Agents for Service of Process (P-15150/89; A-3033)
83 Ill. Adm. Code 760	Cellular Radio Exclusion (P-13358/89; A-3037) (P-9631)
83 Ill. Adm. Code 281	Energy Assistance (PR-4312)
92 Ill. Adm. Code 1415	Freight Bills & Bills of Lading or Other Forms (P-19339/89; A-8583)
83 Ill. Adm. Code 900	Joint Rules of the Ill. Commerce Commission & the Dept. of Energy & Natural Resources: Residential Conservation Plan (PR-12680/89; AR-624)
92 Ill. Adm. Code 1300	Minimum Rate (PR-14147/89; AR-3040)
83 Ill. Adm. Code 590	Minimum Safety Standards for Transportation of Gas & for Gas Pipeline Facilities (P-19344/89; A-10018)
83 Ill. Adm. Code 445	Purchase & Sale of Electric Energy from Qualified Solid Waste Energy Facilities (P-13129/89; A-626)

CORRECTIONS, DEPARTMENT OF (CONT'D)
20 Ill. Adm. Code 525 Rights & Privileges (P-18052/89; A-5114)

CRIMINAL JUSTICE INFORMATION AUTHORITY, ILLINOIS
20 Ill. Adm. Code 1560 Operating Procedures for the Administration of Non-Federal Grant Funds (P-8800)

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The Sections Affected Index lists, by Title, each Section of a codified Part on which rulemaking activity has occurred in this volume of the Register and is divided into two parts: the first lists the Sections on which rulemaking activity occurred in the previous issues of this volume year; the second lists the Sections on which rulemaking activity occurred in this issue of the Register. (The headings at the top of each page indicate the two parts: the first part shows the previous issue numbers inclusively and the date of the last published issue; the second lists the current issue number and date.) The columns in both parts indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume (calendar year) of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 1 Ill. Adm. Code 100.280 was proposed last year and adopted this year. The action entry read: (P-857789; A-724) The codes for both columns are listed below. For a complete listing of the Titles of the Illinois Administrative Code, please refer to 1 Ill. Adm. Code 100.140 or contact the Administrative Code Division.

TYPE OF RULEMAKING		ACTION CODES	
am	= amendment to existing Section	A	= Adopted rule
cc	= codification changes	C	= Correction
n	= new Section	CC	= Codification Changes
r	= repeal of existing Section	E	= Emergency rule
#	= renumbered	F	= Failure to Remedy Objections
		M	= Modification
		O	= ICAR Objection
		P	= Proposed rule
		PF	= Prohibited Filing
		PP	= Peremptory rule
		R	= Refusal to Modify or Withdraw
		RC	= ICAR Recommendation
		S	= Suspended rule
		W	= Withdrawal of Proposed rule

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150.220	am	438.40	n
150.220	am	438.45	n
150.220	am	438.50	n
150.220	am	438.55	n
150.220	am	438.60	n
150.220	am	438.65	n
150.220	am	438.70	n
150.220	am	438.75	n
150.220	am	438.80	n
150.220	am	438.85	n
150.220	am	438.90	n
150.220	am	438.95	n
150.220	am	439.00	n
150.220	am	439.05	n
150.220	am	439.10	n
150.220	am	439.15	n
150.220	am	439.20	n
150.220	am	439.25	n
150.220	am	439.30	n
150.220	am	439.35	n
150.220	am	439.40	n
150.220	am	439.45	n
150.220	am	439.50	n
150.220	am	439.55	n
150.220	am	439.60	n
150.220	am	439.65	n
150.220	am	439.70	n
150.220	am	439.75	n
150.220	am	439.80	n
150.220	am	439.85	n
150.220	am	439.90	n
150.220	am	439.95	n
150.220	am	440.00	n
150.220	am	440.05	n
150.220	am	440.10	n
150.220	am	440.15	n
150.220	am	440.20	n
150.220	am	440.25	n
150.220	am	440.30	n
150.220	am	440.35	n
150.220	am	440.40	n
150.220	am	440.45	n
150.220	am	440.50	n
150.220	am	440.55	n
150.220	am	440.60	n
150.220	am	440.65	n
150.220	am	440.70	n
150.220	am	440.75	n
150.220	am	440.80	n
150.220	am	440.85	n
150.220	am	440.90	n
150.220	am	440.95	n
150.220	am	441.00	n
150.220	am	441.05	n
150.220	am	441.10	n
150.220	am	441.15	n
150.220	am	441.20	n
150.220	am	441.25	n
150.220	am	441.30	n
150.220	am	441.35	n
150.220	am	441.40	n
150.220	am	441.45	n
150.220	am	441.50	n
150.220	am	441.55	n
150.220	am	441.60	n
150.220	am	441.65	n
150.220	am	441.70	n
150.220	am	441.75	n
150.220	am	441.80	n
150.220	am	441.85	n
150.220	am	441.90	n
150.220	am	441.95	n
150.220	am	442.00	n
150.220	am	442.05	n
150.220	am	442.10	n
150.220	am	442.15	n
150.220	am	442.20	n
150.220	am	442.25	n
150.220	am	442.30	n
150.220	am	442.35	n
150.220	am	442.40	n
150.220	am	442.45	n
150.220	am	442.50	n
150.220	am	442.55	n
150.220	am	442.60	n
150.220	am	442.65	n
150.220	am	442.70	n
150.220	am	442.75	n
150.220	am	442.80	n
150.220	am	442.85	n
150.220	am	442.90	n
150.220	am	442.95	n
150.220	am	443.00	n
150.220	am	443.05	n
150.220	am	443.10	n
150.220	am	443.15	n
150.220	am	443.20	n
150.220	am	443.25	n
150.220	am	443.30	n

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TITLE 3		TITLE 14	
600.10	am	438.35	n
600.20	am	438.40	n
600.30	am	438.45	n
600.40	am	438.50	n
600.50	am	438.55	n
600.60	am	438.60	n
600.70	am	438.65	n
600.80	am	438.70	n
600.90	am	438.75	n
601.00	am	438.80	n
601.10	am	438.85	n
601.20	am	438.90	n
601.30	am	438.95	n
601.40	am	439.00	n
601.50	am	439.05	n
601.60	am	439.10	n
601.70	am	439.15	n
601.80	am	439.20	n
601.90	am	439.25	n
602.00	am	439.30	n
602.10	am	439.35	n
602.20	am	439.40	n
602.30	am	439.45	n
602.40	am	439.50	n
602.50	am	439.55	n
602.60	am	439.60	n
602.70	am	439.65	n
602.80	am	439.70	n
602.90	am	439.75	n
603.00	am	439.80	n
603.10	am	439.85	n
603.20	am	439.90	n
603.30	am	439.95	n
603.40	am	440.00	n
603.50	am	440.05	n
603.60	am	440.10	n
603.70	am	440.15	n
603.80	am	440.20	n
603.90	am	440.25	n
604.00	am	440.30	n
604.10	am	440.35	n
604.20	am	440.40	n
604.30	am	440.45	n
604.40	am	440.50	n
604.50	am	440.55	n
604.60	am	440.60	n
604.70	am	440.65	n
604.80	am	440.70	n
604.90	am	440.75	n
605.00	am	440.80	n
605.10	am	440.85	n
605.20	am	440.90	n
605.30	am	440.95	n
605.40	am	441.00	n
605.50	am	441.05	n
605.60	am	441.10	n
605.70	am	441.15	n
605.80	am	441.20	n
605.90	am	441.25	n
606.00	am	441.30	n
606.10	am	441.35	n
606.20	am	441.40	n
606.30	am	441.45	n
606.40	am	441.50	n
606.50	am	441.55	n
606.60	am	441.60	n
606.70	am	441.65	n
606.80	am	441.70	n
606.90	am	441.75	n
607.00	am	441.80	n
607.10	am	441.85	n
607.20	am	441.90	n
607.30	am	441.95	n
607.40	am	442.00	n
607.50	am	442.05	n
607.60	am	442.10	n
607.70	am	442.15	n
607.80	am	442.20	n
607.90	am	442.25	n
608.00	am	442.30	n
608.10	am	442.35	n
608.20	am	442.40	n
608.30	am	442.45	n
608.40	am	442.50	n
608.50	am	442.55	n
608.60	am	442.60	n
608.70	am	442.65	n
608.80	am	442.70	n
608.90	am	442.75	n
609.00	am	442.80	n
609.10	am	442.85	n
609.20	am	442.90	n
609.30	am	442.95	n
609.40	am	443.00	n
609.50	am	443.05	n
609.60	am	443.10	n
609.70	am	443.15	n
609.80	am	443.20	n
609.90	am	443.25	n
610.00	am	443.30	n

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TITLE 23 (CONTD.)			TITLE 26			TITLE 32		
451.250	r	(P-9082/89; A-7593)	(P-9082/89; A-7593)	1025.20	am	(P-1451/6/89; A-2015)		
451.250	r	(P-9133/89; RC-4747; A-7518)	(P-9133/89; RC-4747; A-7518)	1025.50	am	(P-1451/6/89; A-2015)		
451.260	n	(P-9133/89; RC-4747; A-7518)	(P-9133/89; RC-4747; A-7518)	1036.10	n	(P-16234/89; A-5118)		
451.260	n	(P-9082/89; A-7593)	(P-9082/89; A-7593)	1036.30	n	(P-16234/89; A-5118)		
451.270	n	(P-9133/89; RC-4747; A-7518)	(P-9133/89; RC-4747; A-7518)	1036.40	n	(P-16234/89; A-5118)		
451.280	n	(P-9082/89; A-7593)	(P-9082/89; A-7593)	1036.50	n	(P-16234/89; A-5118)		
451.280	n	(P-9133/89; RC-4747; A-7518)	(P-9133/89; RC-4747; A-7518)	1036.60	n	(P-16234/89; A-5118)		
451.290	n	(P-9133/89; RC-4747; A-7518)	(P-9133/89; RC-4747; A-7518)	1036.70	n	(P-16234/89; A-5118)		
451.300	n	(P-9133/89; RC-4747; A-7518)	(P-9133/89; RC-4747; A-7518)	1037.10	n	(P-16227/89; A-4508)		
451.310	r	(P-9082/89; A-7593)	(P-9082/89; A-7593)	1037.20	n	(P-16227/89; A-4508)		
451.320	r	(P-9082/89; A-7593)	(P-9082/89; A-7593)	1037.30	n	(P-16227/89; A-4508)		
451.330	r	(P-9082/89; A-7593)	(P-9082/89; A-7593)	1037.40	n	(P-16227/89; A-4508)		
451.340	r	(P-9082/89; A-7593)	(P-9082/89; A-7593)	1037.50	n	(P-16227/89; A-4508)		
451.350	r	(P-9082/89; A-7593)	(P-9082/89; A-7593)	1037.60	n	(P-16227/89; A-4508)		
451.360	r	(P-9082/89; A-7593)	(P-9082/89; A-7593)	1037.70	n	(P-16227/89; A-4508)		
451.370	r	(P-9082/89; A-7593)	(P-9082/89; A-7593)	1501.111	am	(P-16869/89; A-4126)		
451.380	r	(P-9082/89; A-7593)	(P-9082/89; A-7593)	1501.302	am	(P-16869/89; A-4126)		
451.390	r	(P-9082/89; A-7593)	(P-9082/89; A-7593)	1501.303	am	(P-16869/89; A-4126)		
451.400	n	(P-9133/89; RC-4747; A-7518)	(P-9133/89; RC-4747; A-7518)	1501.308	am	(P-16869/89; A-4126)		
451.410	n	(P-9133/89; RC-4747; A-7518)	(P-9133/89; RC-4747; A-7518)	1501.406	am	(P-16869/89; A-4126)		
451.410	n	(P-9082/89; A-7593)	(P-9082/89; A-7593)	1501.501	am	(P-16869/89; A-4126)		
451.420	n	(P-9133/89; RC-4747; A-7518)	(P-9133/89; RC-4747; A-7518)	1501.503	am	(P-16869/89; A-4126)		
451.420	n	(P-9082/89; A-7593)	(P-9082/89; A-7593)	1501.508	am	(P-16869/89; A-4126)		
451.430	n	(P-9133/89; RC-4747; A-7518)	(P-9133/89; RC-4747; A-7518)	1501.509	am	(P-16869/89; A-4126)		
451.430	r	(P-9082/89; A-7593)	(P-9082/89; A-7593)	1501.510	am	(P-16869/89; A-4126)		
451.440	r	(P-9082/89; A-7593)	(P-9082/89; A-7593)	1501.515	am	(P-16869/89; A-4126)		
451.450	r	(P-9082/89; A-7593)	(P-9082/89; A-7593)	1501.516	am	(P-3308)		
451.460	r	(P-9082/89; A-7593)	(P-9082/89; A-7593)	1501.517	am	(P-14) (E-299)		
451.470	r	(P-9082/89; A-7593)	(P-9082/89; A-7593)	1501.601	am	(P-3308)		
451.480	r	(P-9082/89; A-7593)	(P-9082/89; A-7593)	1501.602	am	(P-3308)		
451.490	r	(P-9082/89; A-7593)	(P-9082/89; A-7593)	1501.603	am	(P-3308)		
451.495	r	(P-9082/89; A-7593)	(P-9082/89; A-7593)	1501.604	am	(P-3308)		
451.500	n	(P-9133/89; RC-4747; A-7518)	(P-9133/89; RC-4747; A-7518)	1501.605	am	(E-4266)		
451.510	n	(P-9133/89; RC-4747; A-7518)	(P-9133/89; RC-4747; A-7518)	1501.608	am	(P-18251/89; A-7242)		
451.520	n	(P-9133/89; RC-4747; A-7518)	(P-9133/89; RC-4747; A-7518)	1501.610	am	(P-18251/89; A-7242)		
451.530	n	(P-9133/89; RC-4747; A-7518)	(P-9133/89; RC-4747; A-7518)	2400.30	n	(P-1703)		
451.540	n	(P-9133/89; RC-4747; A-7518)	(P-9133/89; RC-4747; A-7518)	2720.30	am	(E-4266)		
451.550	n	(P-9133/89; RC-4747; A-7518)	(P-9133/89; RC-4747; A-7518)	2720.210	am	(P-2300)		
451.555	n	(P-9133/89; RC-4747; A-7518)	(P-9133/89; RC-4747; A-7518)	2720.210	n	(P-2300)		
451.560	n	(P-9133/89; RC-4747; A-7518)	(P-9133/89; RC-4747; A-7518)	2735.30	am	(P-18251/89; A-7242)		
451.570	n	(P-9133/89; RC-4747; A-7518)	(P-9133/89; RC-4747; A-7518)	2735.30	am	(P-18251/89; A-7242)		
451.580	n	(P-9133/89; RC-4747; A-7518)	(P-9133/89; RC-4747; A-7518)	2735.70	am	(P-18251/89; A-7242)		
451.590	n	(P-9133/89; RC-4747; A-7518)	(P-9133/89; RC-4747; A-7518)		am			
500.10	am	(P-8307)	(P-8307)	TITLE 26				
500.20	am	(P-8307)	(P-8307)	210.10	n	(P-3814) (E-6907; O-10162)		
500.80	am	(P-8307)	(P-8307)	210.Ap.A	n	(P-3814) (E-6907; O-10162)		
500.90	am	(P-8307)	(P-8307)	210.Ap.B	n	(P-3814) (E-6907; O-10162)		
1000.30	am	(P-14531/89; A-2030)	(P-14531/89; A-2030)	TITLE 32				
1000.30	am	(P-14531/89; A-2030)	(P-14531/89; A-2030)	332.10	n	(P-5874/89; A-1333)		
1000.40	am	(P-14531/89; A-2030)	(P-14531/89; A-2030)	332.20	n	(P-5874/89; A-1333)		
1000.60	am	(E-20390/89; O-3275; R-4271; A-7497)	(E-20390/89; O-3275; R-4271; A-7497)	332.30	n	(P-5874/89; A-1333)		
1010.25	n	(E-20390/89; O-3275; R-4271; A-7497)	(E-20390/89; O-3275; R-4271; A-7497)	332.40	n	(P-5874/89; A-1333)		
1010.30	am	(E-20390/89; O-3275; R-4271; A-7497)	(E-20390/89; O-3275; R-4271; A-7497)	332.50	n	(P-5874/89; A-1333)		
1010.40	r	(E-20390/89; O-3275; R-4271; A-7497)	(E-20390/89; O-3275; R-4271; A-7497)	332.60	n	(P-5874/89; A-1333)		
1020.10	am	(P-14521/89; A-2020)	(P-14521/89; A-2020)	332.70	n	(P-5874/89; A-1333)		
1020.30	am	(P-14521/89; A-2020)	(P-14521/89; A-2020)	332.80	n	(P-5874/89; A-1333)		
1020.40	am	(P-14521/89; A-2020)	(P-14521/89; A-2020)	332.90	n	(P-5874/89; A-1333)		
1020.50	am	(P-14521/89; A-2020)	(P-14521/89; A-2020)	332.100	n	(P-5874/89; A-1333)		
1020.60	am	(P-14521/89; A-2020)	(P-14521/89; A-2020)		n	(P-5874/89; A-1333)		
1020.80	am	(P-14521/89; A-2020)	(P-14521/89; A-2020)		n	(P-5874/89; A-1333)		

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	n	
1560.10	(P-8800)	202.30 (P-13369/89; A-3472)
1560.20	(P-8800)	202.30 (P-13367/89; A-3487)
1560.30	(P-8800)	202.40 (P-13369/89; A-3472)
1560.40	(P-8800)	202.40 (P-13367/89; A-3487)
1560.50	(P-8800)	202.50 (P-13369/89; A-3472)
1560.60	(P-8800)	202.50 (P-13367/89; A-3487)
1720.20	(P-5378)	202.60 (P-13369/89; A-3472)
		202.70 (P-13367/89; A-3487)
1760.101	(P-13997/89; A-10027)	202.70 (P-13369/89; A-3487)
1760.102	(P-13997/89; A-10027)	205.40 (P-18991/89; O-5899)
1760.103	(P-13997/89; A-10027)	210.10 (P-8766/89; A-1254)
1760.104	(P-13997/89; A-10027)	210.10 (P-8766/89; O-18943/89; R-1534; A-1254)
1760.201	(P-13997/89; A-10027)	210.110 (P-8766/89; A-1254)
1760.202	(P-13997/89; A-10027)	210.120 (P-8766/89; A-1254)
1760.203	(P-13997/89; A-10027)	210.130 (P-8766/89; A-1254)
1760.204	(P-13997/89; A-10027)	210.140 (P-8766/89; A-1254)
1760.205	(P-13997/89; A-10027)	210.150 (P-8766/89; A-1254)
1760.206	(P-13997/89; A-10027)	210.210 (P-8766/89; A-1254)
1760.207	(P-13997/89; A-10027)	210.220 (P-8766/89; A-1254)
1760.208	(P-13997/89; A-10027)	253.30 (P-1645)
1760.209	(P-13997/89; A-10027)	260.10 (P-8424)
1760.210	(P-13997/89; A-10027)	260.40 (P-8424)
1760.211	(P-13997/89; A-10027)	275.30 (E-6411) (P-5921)
1760.212	(P-13997/89; A-10027)	451.10 (P-9133/89; RC-4747; A-7518)
1760.213	(P-13997/89; A-10027)	451.10 (P-9133/89; RC-4747; A-7518)
1760.214	(P-13997/89; A-10027)	451.20 (P-9133/89; RC-4747; A-7518)
1760.215	(P-13997/89; A-10027)	451.20 (P-9133/89; RC-4747; A-7518)
1760.216	(P-13997/89; A-10027)	451.20 (P-9133/89; RC-4747; A-7518)
1760.217	(P-13997/89; A-10027)	451.30 (P-9133/89; RC-4747; A-7518)
1760.218	(P-13997/89; A-10027)	451.40 (P-9133/89; RC-4747; A-7518)
1760.219	(P-13997/89; A-10027)	451.50 (P-9133/89; RC-4747; A-7518)
1760.220	(P-13997/89; A-10027)	451.70 (P-9133/89; RC-4747; A-7518)
1760.221	(P-13997/89; A-10027)	451.80 (P-9133/89; RC-4747; A-7518)
1760.222	(P-13997/89; A-10027)	451.90 (P-9133/89; RC-4747; A-7518)
1760.223	(P-13997/89; A-10027)	451.100 (P-9133/89; RC-4747; A-7518)
1760.224	(P-13997/89; A-10027)	451.110 (P-9133/89; RC-4747; A-7518)
1760.225	(P-13997/89; A-10027)	451.120 (P-9133/89; RC-4747; A-7518)
1760.226	(P-13997/89; A-10027)	451.120 (P-9133/89; RC-4747; A-7518)
1760.227	(P-13997/89; A-10027)	451.130 (P-9133/89; RC-4747; A-7518)
1760.228	(P-13997/89; A-10027)	451.140 (P-9133/89; RC-4747; A-7518)
1760.229	(P-13997/89; A-10027)	451.150 (P-9133/89; RC-4747; A-7518)
1760.230	(P-13997/89; A-10027)	451.155 (P-9133/89; RC-4747; A-7518)
1760.231	(P-13997/89; A-10027)	451.160 (P-9133/89; RC-4747; A-7518)
1760.232	(P-13997/89; A-10027)	451.165 (P-9133/89; RC-4747; A-7518)
1760.233	(P-13997/89; A-10027)	451.170 (P-9133/89; RC-4747; A-7518)
1760.234	(P-13997/89; A-10027)	451.175 (P-9133/89; RC-4747; A-7518)
1760.235	(P-13997/89; A-10027)	451.180 (P-9133/89; RC-4747; A-7518)
1760.236	(P-13997/89; A-10027)	451.185 (P-9133/89; RC-4747; A-7518)
1760.237	(P-13997/89; A-10027)	451.190 (P-9133/89; RC-4747; A-7518)
1760.238	(P-13997/89; A-10027)	451.195 (P-9133/89; RC-4747; A-7518)
1760.239	(P-13997/89; A-10027)	451.200 (P-9133/89; RC-4747; A-7518)
1760.240	(P-13997/89; A-10027)	451.210 (P-9133/89; RC-4747; A-7518)
1760.241	(P-13997/89; A-10027)	451.210 (P-9133/89; RC-4747; A-7518)
1760.242	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.243	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.244	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.245	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.246	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.247	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.248	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.249	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.250	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.251	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.252	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.253	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.254	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.255	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.256	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.257	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.258	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.259	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.260	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.261	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.262	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.263	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.264	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.265	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.266	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.267	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.268	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.269	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.270	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.271	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.272	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.273	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.274	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.275	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.276	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.277	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.278	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.279	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.280	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.281	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.282	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.283	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.284	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.285	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.286	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.287	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.288	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.289	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.290	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.291	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.292	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.293	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.294	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.295	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.296	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.297	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.298	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.299	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.300	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.301	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.302	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.303	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.304	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.305	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.306	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.307	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.308	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.309	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.310	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.311	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.312	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.313	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.314	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.315	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.316	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.317	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.318	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.319	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.320	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.321	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.322	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.323	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.324	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.325	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.326	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.327	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.328	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.329	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.330	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.331	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.332	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.333	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.334	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.335	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.336	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.337	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.338	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.339	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.340	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.341	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.342	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.343	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.344	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.345	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.346	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.347	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.348	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.349	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.350	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.351	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.352	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.353	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
1760.354	(P-13997/89; A-10027)	451.220 (P-9133/89; RC-4747; A-7518)
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691.104	n	(P-15164/89; A-2045)	725.321	am	(P-9754)
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691.202	n	(P-15164/89; A-2045)	728.106	am	(P-6597)
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691.301	n	(P-15164/89; A-2045)	728.108	am	(P-6597)
691.302	n	(P-15164/89; A-2045)	728.132	am	(P-6597)
691.303	n	(P-15164/89; A-2045)	728.133	am	(P-6597)
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691.305	n	(P-15164/89; A-2045)	728.142	n	(P-79; A-6232)
691.306	n	(P-15164/89; A-2045)	728.143	n	(P-79; A-6232)
691.307	n	(P-15164/89; A-2045)	728.150	am	(P-6597)
691.308	n	(P-15164/89; A-2045)	728.151	am	(P-6597)
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366.202	n	(P-19850/89; A-8121)	690.205	n	(P-15174/89; A-2070)
366.203	n	(P-19850/89; A-8121)	690.301	n	(P-15174/89; A-2070)
366.204	n	(P-19850/89; A-8121)	690.302	n	(P-15174/89; A-2070)
366.205	n	(P-19850/89; A-8121)			
366.206	n	(P-19850/89; A-8121)			
366.301	n	(P-19850/89; A-8121)			
366.302	n	(P-19850/89; A-8121)			
366.303	n	(P-19850/89; A-8121)			
366.304	n	(P-19850/89; A-8121)			
366.305	n	(P-19850/89; A-8121)			
366.306	n	(P-19850/89; A-8121)			
366.307	n	(P-19850/89; A-8121)			
366.401	n	(P-19850/89; A-8121)			
366.402	n	(P-19850/89; A-8121)			
366.403	n	(P-19850/89; A-8121)			
366.404	n	(P-19850/89; A-8121)			
366.405	n	(P-19850/89; A-8121)			
366.501	n	(P-19850/89; A-8121)			
366.502	n	(P-19850/89; A-8121)			
366.503	n	(P-19850/89; A-8121)			
366.504	n	(P-19850/89; A-8121)			
366.505	n	(P-19850/89; A-8121)			
366.506	n	(P-19850/89; A-8121)			
366.601	n	(P-19850/89; A-8121)			
366.Ap.A	n	(P-19850/89; A-8121)			
366.Ap.B	n	(P-19850/89; A-8121)			
366.Ap.C	n	(P-19850/89; A-8121)			
366.Ap.D	n	(P-19850/89; A-8121)			
601.105	em	(P-262/89; A-1379)			
604.203	em	(P-255/89; A-689)			
661.302	em	(P-269/89; A-695)			
665.104	em	(P-1739/89; A-2055)			
690.101	n	(P-15174/89; A-2070)			
690.102	n	(P-15174/89; A-2070)			
690.103	n	(P-15174/89; A-2070)			
690.104	n	(P-15174/89; A-2070)			
690.105	n	(P-15174/89; A-2070)			
690.201	n	(P-15174/89; A-2070)			
690.202	n	(P-15174/89; A-2070)			
690.203	n	(P-15174/89; A-2070)			
690.204	n	(P-15174/89; A-2070)			
690.205	n	(P-15174/89; A-2070)			
690.301	n	(P-15174/89; A-2070)			
690.302	n	(P-15174/89; A-2070)			

TITLE 47 (CONT'D.)		TITLE 50		TITLE 51	
350.204	n	(P-5653) (E-5827)	360.902	n	(P-1726; A-9117) (E-2094)
350.204	n	(P-5653) (E-5817)	360.903	n	(P-1726; A-9117) (E-2094)
350.205	r	(P-5653) (E-5827)	360.904	n	(P-1726; A-9117) (E-2094)
350.205	r	(P-5653) (E-5817)	360.905	n	(P-1726; A-9117) (E-2094)
350.206	r	(P-5653) (E-5827)	360.906	n	(P-1726; A-9117) (E-2094)
350.206	r	(P-5653) (E-5817)	360.1001	n	(P-1726; A-9117) (E-2094)
350.207	r	(P-5653) (E-5827)	360.1101	n	(P-1726; A-9117) (E-2094)
350.207	r	(P-5653) (E-5817)	360.1102	n	(P-1726; A-9117) (E-2094)
350.208	r	(P-5653) (E-5827)	400.102	n	(P-4451) (E-4720)
350.208	r	(P-5653) (E-5817)	400.103	n	(P-4451) (E-4720)
350.209	r	(P-5653) (E-5827)	400.104	n	(P-4451) (E-4720)
350.209	r	(P-5653) (E-5817)	400.105	n	(P-4451) (E-4720)
350.210	n	(P-5653) (E-5827)	400.106	n	(P-4451) (E-4720)
350.211	n	(P-5653) (E-5827)	400.107	n	(P-4451) (E-4720)
350.212	n	(P-5653) (E-5827)	400.108	n	(P-4451) (E-4720)
360.101	n	(P-1726; A-9117) (E-2094)	400.109	n	(P-4451) (E-4720)
360.102	n	(P-1726; A-9117) (E-2094)	400.110	n	(P-4451) (E-4720)
360.103	n	(P-1726; A-9117) (E-2094)	400.111	n	(P-4451) (E-4720)
360.104	n	(P-1726; A-9117) (E-2094)	400.112	n	(P-4451) (E-4720)
360.105	n	(P-1726; A-9117) (E-2094)	400.113	n	(P-4451) (E-4720)
360.106	n	(P-1726; A-9117) (E-2094)	400.114	n	(P-4451) (E-4720)
360.107	n	(P-1726; A-9117) (E-2094)	400.115	n	(P-4451) (E-4720)
360.108	n	(P-1726; A-9117) (E-2094)	400.116	n	(P-4451) (E-4720)
360.109	n	(P-1726; A-9117) (E-2094)	400.117	n	(P-4451) (E-4720)
360.110	n	(P-1726; A-9117) (E-2094)	400.118	n	(P-4451) (E-4720)
360.111	n	(P-1726; A-9117) (E-2094)	410.101	n	(P-4449) (E-4712)
360.112	n	(P-1726; A-9117) (E-2094)	410.102	n	(P-4449) (E-4712)
360.113	n	(P-1726; A-9117) (E-2094)	410.103	n	(P-4449) (E-4712)
360.114	n	(P-1726; A-9117) (E-2094)	410.104	n	(P-4449) (E-4712)
360.115	n	(P-1726; A-9117) (E-2094)	410.105	n	(P-4449) (E-4712)
360.201	n	(P-1726; A-9117) (E-2094)	410.106	n	(P-4449) (E-4712)
360.202	n	(P-1726; A-9117) (E-2094)	410.107	n	(P-4449) (E-4712)
360.203	n	(P-1726; A-9117) (E-2094)	410.108	n	(P-4449) (E-4712)
360.301	n	(P-1726; A-9117) (E-2094)	410.109	n	(P-4449) (E-4712)
360.302	n	(P-1726; A-9117) (E-2094)	420.101	n	(P-4453) (E-4734)
360.303	n	(P-1726; A-9117) (E-2094)	420.102	n	(P-4453) (E-4734)
360.304	n	(P-1726; A-9117) (E-2094)	420.103	n	(P-4453) (E-4734)
360.305	n	(P-1726; A-9117) (E-2094)	420.104	n	(P-4453) (E-4734)
360.306	n	(P-1726; A-9117) (E-2094)	420.105	n	(P-4453) (E-4734)
360.307	n	(P-1726; A-9117) (E-2094)	420.106	n	(P-4453) (E-4734)
360.308	n	(P-1726; A-9117) (E-2094)	420.107	n	(P-4453) (E-4734)
360.309	n	(P-1726; A-9117) (E-2094)	420.108	n	(P-4453) (E-4734)
360.310	n	(P-1726; A-9117) (E-2094)	420.109	n	(P-4453) (E-4734)
360.401	n	(P-1726; A-9117) (E-2094)	TITLE 50		
360.402	n	(P-1726; A-9117) (E-2094)			
360.501	n	(P-1726; A-9117) (E-2094)	754.Ex.B	am	(P-19013/89; A-57953)
360.502	n	(P-1726; A-9117) (E-2094)	907.30	am	(P-8451)

TITLE 41		TITLE 44		TITLE 47		TITLE 49	
100.	(RC-3277)	250.245	(P-5322)	250.110	(P-8271) (E-8714)	120.115	(P-5296)
140.2	(P-4781)	250.250	(P-5322)	5010.610	(P-8271) (E-8714)	310.804	(P-13371/89; A-683)
140.8	(P-4781)	250.260	(P-5322)	5010.660	(P-8271) (E-8714)	350.101	(P-5653) (E-5827)
140.12	(P-4781)	250.265	(P-5322)	5010.670	(P-8271) (E-8714)	350.101	(P-5653) (E-5817)
140.13	(P-4781)	250.270	(P-5322)	5010.710	(P-8271) (E-8714)	350.102	(P-5653) (E-5827)
140.15	(P-4781)	250.280	(P-5322)	5010.720	(P-8271) (E-8714)	350.102	(P-5653) (E-5817)
140.20	(P-4781)	250.290	(P-5322)	5010.730	(P-8271) (E-8714)	350.103	(P-5653) (E-5827)
140.40	(P-4781)	250.301	(P-5322)	5010.740	(P-8271) (E-8714)	350.104	(P-5653) (E-5817)
140.40	(P-4781)	250.310	(P-5322)	5010.1140	(P-8271) (E-8714)	350.104	(P-5653) (E-5827)
140.50	(P-4781)	250.315	(P-5322)			350.201	(P-5653) (E-5817)
140.55	(P-4781)	250.320	(P-5322)			350.202	(P-5653) (E-5817)
140.60	(P-4781)	250.330	(P-5322)			350.202	(P-5653) (E-5827)
140.65	(P-4781)	250.340	(P-5322)			350.203	(P-5653) (E-5817)
140.70	(P-4781)	250.341	(P-5322)				
140.80	(P-4781)	250.343	(P-5322)				
140.90	(P-4781)	250.344	(P-5322)				
140.130	(P-4781)	250.345	(P-5322)				
140.140	(P-4781)	250.356	(P-5322)				
140.150	(P-4781)	250.358	(P-5322)				
140.160	(P-4781)	250.360	(P-5322)				
140.171	(P-4781)	250.370	(P-5322)				
140.180	(P-4781)	250.380	(P-5322)				
140.185	(P-4781)	250.390	(P-5322)				
140.190	(P-4781)	250.390	(P-5322)				
140.200	(P-4781)	250.400	(P-5322)				
140.210	(P-4781)	250.410	(P-5322)				
140.215	(P-4781)	250.420	(P-5322)				
140.220	(P-4781)	250.430	(P-5322)				
140.230	(P-4781)	250.440	(P-5322)				
140.240	(P-4781)	250.450	(P-5322)				
140.250	(P-4781)	250.460	(P-5322)				
140.260	(P-4781)	250.470	(P-5322)				
140.290	(P-4781)	250.480	(P-5322)				
140.325	(P-4781)	250.490	(P-5322)				
140.390	(P-4781)	250.500	(P-5322)				
170.670	(P-4781)	250.510	(P-5322)				
250.20	(P-5322)	250.520	(P-5322)				
250.25	(P-5322)	250.530	(P-5322)				
250.30	(P-5322)	250.540	(P-5322)				
250.40	(P-5322)	250.550	(P-5322)				
250.50	(P-5322)	250.560	(P-5322)				
250.55	(P-5322)	250.570	(P-5322)				
250.60	(P-5322)	250.580	(P-5322)				
250.70	(P-5322)	250.590	(P-5322)				
250.80	(P-5322)	250.600	(P-5322)				
250.82	(P-5322)	250.610	(P-5322)				

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TITLE 68 (CONT'D)		TITLE 71		TITLE 72	
1320.300 am	(P-2444)	205.120 am	(P-5442) (E-5596)		
1360.30 am	(P-14004/89; A-701)	205.125 am	(P-5442) (E-5596)		
1380.210 am	(P-7346)	205.350 am	(P-5442) (E-5596)		
1380.220 am	(P-7346)	205.520 am	(P-5442) (E-5596)		
1380.230 am	(P-7346)	205.540 am	(P-5442) (E-5596)		
1380.240 am	(P-7346)	205.710 r	(P-5442) (E-5596)		
1380.250 am	(P-7346)	205.710 f	(P-5442) (E-5596)		
1380.260 am	(P-7346)	205.720 r	(P-5442) (E-5596)		
1380.270 am	(P-7346)	205.730 r	(P-5442) (E-5596)		
1380.280 am	(P-7346)	205.740 r	(P-5442) (E-5596)		
1380.285 am	(P-7346)	205.750 r	(P-5442) (E-5596)		
1380.290 am	(P-7346)	205.760 r	(P-5442) (E-5596)		
1380.300 am	(P-7346)	205.1380 am	(P-10028/89; A-2403)		
1380.310 am	(P-7346)	240.20 am	(P-10007/89; A-2382)		
1380.320 am	(P-7346)	245.20 am	(P-10007/89; A-2382)		
1380.320 am	(P-7346)	245.30 am	(P-10007/89; A-2382)		
1380.Ap-A am	(P-2913/89; A-4515)	245.50 am	(P-7875/89; A-2342)		
2400.10 am	(P-2913/89; O-4754; PF-4760; A-4515)	250.150 am	(P-2478)		
2400.20 am	(P-2913/89; O-4754; PF-4760; A-4515)	250.160 am	(P-7875/89; A-2342)		
2400.30 am	(P-2913/89; A-4515)	250.315 n	(P-7875/89; A-2342)		
2400.40 am	(P-2913/89; A-4515)	250.330 am	(P-2478)		
2400.50 am	(P-2913/89; A-4515)	250.1870 am	(P-7875/89; A-2342)		
2400.60 am	(P-2913/89; A-4515)	250.2140 am	(P-9957)		
2400.65 am	(P-2913/89; A-4515)	300.330 am	(P-9957)		
2400.70 am	(P-2913/89; A-4515)	300.1010 am	(P-2261)		
2400.80 am	(P-2913/89; A-4515)	300.2110 am	(P-2261)		
2400.90 am	(P-2913/89; A-4515)	300.2210 am	(P-2261)		
		300.2230 am	(P-2261)		
		300.2420 am	(P-2261)		
		300.2920 am	(P-2261)		
n	(P-15640/89; RC-2131; A-7228)	300.2930 am	(P-2261)		
		300.3060 am	(P-2261)		
n	M-7267; RC-2131; A-7228)	300.3120 am	(P-2261)		
		300.3130 am	(P-2261)		
n	(P-15640/89; RC-2131; A-7228)	300.3220 am	(P-9957)		
		300.3240 am	(P-9957)		
n	(P-15640/89; RC-2131; M-7267; A-7228)	300.3260 am	(P-9957)		
		300.330 am	(P-9920)		
n	M-7267; RC-2131; A-7228)	330.913 am	(P-9920)		
		330.1110 am	(P-9920)		
n	(P-15640/89; RC-2131 M-7267; A-7228)	330.2010 am	(P-1827)		
		330.2210 am	(P-1827)		
n	(P-15640/89; RC-2131 M-7267; A-7228)	330.2230 am	(P-1827)		
		330.2420 am	(P-1827)		
n	(P-15640/89; RC-2131 A-7228)	330.3060 am	(P-1827)		
		330.3160 am	(P-1827)		
n	(P-15640/89; RC-2131 A-7228)	330.3620 am	(P-1827)		
		330.3690 am	(P-1827)		
		330.3720 am	(P-9920)		
		330.4220 am	(P-9920)		
am	(P-18649/89; A-5757)	330.4240 am	(P-9920)		
am	(P-18649/89; A-5757)	330.4260 am	(P-9920)		
am	(P-18649/89; A-5757)	350.110 am	(P-2210)		
am	(P-18649/89; A-5757)	350.120 am	(P-2210)		
am	(P-18649/89; A-5757)	350.330 am	(P-9833)		
am	(P-18649/89; A-5757)	350.680 am	(P-9833)		
am	(P-18649/89; A-5757)	350.1220 am	(P-9833)		
am	(P-18649/89; A-5757)	350.1910 am	(P-2210)		
am	(P-18649/89; A-5757)	350.2010 am	(P-2210)		
am	(P-18649/89; A-5757)	350.2030 am	(P-2210)		
am	(P-18649/89; A-5757)				

TITLE 74	
290.1203 am	(P-18649/89; A-5757)
290.1204 am	(P-18649/89; A-5757)
290.1205 am	(P-18649/89; A-5757)
290.1206 am	(P-18649/89; A-5757)
290.1207 am	(P-18649/89; A-5757)
290.1209 am	(P-18649/89; A-5757)
290.1210 am	(P-18649/89; A-5757)
290.1211 am	(P-18649/89; A-5757)
290.Ap-A am	(P-18649/89; A-5757)
290.Ap-B am	(P-18649/89; A-5757)

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240.330	re	(A-3053)	240.1380
240.340	re	(A-3053)	240.1385
240.350	re	(A-3053)	240.1390
240.360	re	(A-3053)	240.1395
240.370	re	(A-3053)	300.40
240.410	re	(A-3053)	
240.420	re	(A-3053)	
240.430	re	(A-3053)	
240.510	re	(A-3053)	
240.520	re	(A-3053)	
240.530	re	(A-3053)	
240.540	re	(A-3053)	
240.610	re	(A-3053)	
240.620	re	(A-3053)	
240.630	re	(A-3053)	
240.640	re	(A-3053)	
240.650	am	(P-3394)	
240.655	n	(P-3394)	
240.710	re	(A-3053)	
240.720	re	(A-3053)	
240.730	re	(A-3053)	
240.740	re	(A-3053)	
240.750	re	(A-3053)	
240.805	re	(A-3053)	
240.810	re	(A-3053)	
240.820	re	(A-3053)	
240.830	re	(A-3053)	
240.840	re	(A-3053)	
240.850	re	(A-3053)	
240.860	re	(A-3053)	
240.905	re	(A-3053)	
240.910	re	(A-3053)	
240.920	re	(A-3053)	
240.930	re	(A-3053)	
240.940	re	(A-3053)	
240.950	re	(A-3053)	
240.960	re	(A-3053)	
240.970	re	(A-3053)	
240.980	re	(A-3053)	
240.990	re	(A-3053)	
240.1005	re	(A-3053)	
240.1010	re	(A-3053)	
240.1020	re	(A-3053)	
240.1030	re	(A-3053)	
240.1105	re	(A-3053)	
240.1110	re	(A-3053)	
240.1120	re	(A-3053)	
240.1130	re	(A-3053)	
240.1140	re	(A-3053)	
240.1150	re	(A-3053)	
240.1160	re	(P-3394)	
240.1160	r	(A-3053)	
240.1170	re	(A-3053)	
240.1180	re	(A-3053)	
240.1190	re	(A-3053)	
240.1200	re	(A-3053)	
240.1310	re	(A-3053)	
240.1320	re	(A-3053)	
240.1330	re	(A-3053)	
240.1340	re	(A-3053)	
240.1350	re	(A-3053)	
240.1360	re	(A-3053)	
240.1370	re	(A-3053)	
240.330	re	(A-3053)	240.1380
240.340	re	(A-3053)	240.1385
240.350	re	(A-3053)	240.1390
240.360	re	(A-3053)	240.1395
240.370	am	(P-18103/89; A-3548)	300.40

TITLE 77 (CONT'D.)

615.110	am	(P-1755)	695.10	am	(P-10137/89; A-805)	RC-15892; M-20136; A-1609)
615.140	r	(P-1755)	725.20	am	(P-10137/89; A-805)	(P-5749) (E-5890)
615.150	am	(P-1755)	725.44	am	(P-10137/89; A-805)	(P-14306/89; A-864)
615.160	am	(P-1755)	725.71	am	(P-10137/89; A-805)	(P-14306/89; A-864)
615.200	am	(P-1755)	750.540	am	(P-10137/89; A-805)	(P-5050)
615.310	am	(P-1755)	750.551	n	(P-10137/89; A-805)	(P-5050)
615.320	am	(P-1755)	750.560	am	(P-10137/89; A-805)	(P-5050)
615.330	am	(P-1755)	790.80	am	(P-10137/89; A-805)	(P-4437) (E-4620)
615.360	am	(P-1755)	790.500	am	(P-10137/89; A-805)	(P-4437) (E-4620)
615.370	am	(P-1755)	790.540	am	(P-10137/89; A-805)	(E-9556) (P-9357)
615.510	am	(P-8493)	790.548	am	(P-10137/89; A-805)	(P-4437) (E-4620)
615.520	am	(P-8503)	790.580	am	(P-10137/89; A-805)	(P-16910/89; A-3184)
615.530	am	(P-8493)	790.620	am	(P-10137/89; A-805)	(P-4437) (E-4620)
615.540	am	(P-8503)	790.721	am	(P-10137/89; A-805)	(P-9556) (P-9357)
635.20	am	(P-8493)	790.740	am	(P-7858)	(P-16910/89; A-3184) (P-4437)
635.30	am	(P-8503)			(P-7858)	(E-4620) (E-9556)
635.35	n	(P-8493)			(P-7858)	(P-9357)
635.40	am	(P-8503)	790.760	n	(P-7858)	(E-9556) (P-9357)
635.50	am	(P-8493)	790.788	am	(P-7858)	(E-9556) (P-9357)
635.60	am	(P-8503)	790.830	n	(P-7858)	(E-9556) (P-9357)
635.70	am	(P-8493)	790.860	am	(P-7858)	(P-4437) (E-4620) (E-9556)
635.80	am	(P-8503)			(P-7858)	(P-9357)
635.90	am	(P-8493)			(P-7858)	(P-4437) (E-4620)
635.110	am	(P-8503)	790.900	am	(P-7858)	(P-16910/89; A-3184)
635.130	am	(P-8493)	790.920	n	(P-7858)	(P-4437) (E-4620)
635.140	am	(P-8503)	790.1060	am	(P-7858)	(P-16910/89; A-3184)
635.150	am	(P-8493)	790.1140	am	(P-7858)	(P-1220; A-8154) (E-1505)
635.160	am	(P-8503)	790.1200	r	(P-7858)	(P-4437) (E-4620)
635.170	am	(P-8493)	790.1300	am	(P-7858)	(P-4437) (E-4620)
635.180	am	(P-8503)	790.1420	am	(P-7858)	(E-9556) (P-9357)
635.190	n	(P-8493)	790.1460	am	(P-7858)	(P-1220; A-8154) (E-1505)
635.190	n	(P-8503)	790.1560	am	(P-7858)	(E-9556) (P-9357)
635.190	n	(P-8493)	790.1577	am	(P-7858)	(P-4437) (E-4620)
635.190	n	(P-8503)	790.1660	am	(P-7858)	(P-16910/89; A-3184) (P-4437)
635.190	n	(P-8493)	790.1686	am	(P-7858)	(E-4620)
661.70	am	(E-8725) (P-8503)			(P-4443)	(P-4437) (E-4620)
665.240	am	(E-8725) (P-8503)	790.1700	am	(P-5446) (E-5617)	(E-9556) (P-9357)
694.10	am	(E-8725) (P-8503)	790.1708	am	(P-5491/89; O-15888/89;	(E-9556) (P-9357)
			790.1719	am	RC-15892; M-20136; A-1609)	(P-4437) (E-4620)
694.20	n	(E-8725) (P-8503)	790.1740	am	(P-5491/89; O-15888/89;	(P-4437) (E-4620)
			790.1858	am	RC-15892; M-20136; A-1609)	(P-4437) (E-4620)
694.20	am	(E-8725) (P-8503)	790.1950	n	(P-5448)	(E-9556) (P-9357)
694.100	am	(P-8503)	790.1960	n	(P-5491/89; O-15888/89;	(E-9556) (P-9357)
			790.2060	am	RC-15892; M-20136; A-1609)	(P-4437) (E-4620)
694.110	n	(E-8725) (P-8503)	790.2097	am	(P-5448) (E-5882)	(E-4620)
					(P-5491/89; O-15888/89;	(P-1220; A-8154) (E-1505)
694.120	n	(P-10035/89; A-840)	790.2140	am	RC-15892; M-20136; A-1609)	(P-1220; A-8154) (E-1505)
					(P-5491/89; O-15888/89;	(E-9556) (P-9357)
694.200	n	(P-10035/89; A-840)	790.2155	n	RC-15892; M-20136; A-1609)	(E-9556) (P-9357)
			790.2180	am	(P-5491/89; O-15888/89;	(P-4437) (E-4620)
694.210	n	(P-10035/89; A-840)	790.2260	am	RC-15892; M-20136; A-1609)	(P-4437) (E-4620) (E-9556)
					(P-5491/89; O-15888/89;	(P-9357)
694.220	r	(P-10035/89; A-840)	790.2380	am	RC-15892; M-20136; A-1609)	(P-4437) (E-4620)
			790.2460	am	(P-5491/89; O-15888/89;	(P-4437) (E-4620)
694.230	am	(P-10035/89; A-840)	790.2462	n	RC-15892; M-20136; A-1609)	(P-4437) (E-4620)
694.240	am	(P-10035/89; A-840)	790.2485	n	(P-5491/89; O-15888/89;	(E-9556) (P-9357)
694.250	am	(P-10035/89; A-840)	790.2500	am	RC-15892; M-20136; A-1609)	(P-4437) (E-4620)
694.260	am	(P-10035/89; A-840)	790.2540	am	(P-5448) (E-5882)	(P-4437) (E-4620) (E-9556)
694.270	am	(P-10035/89; A-840)	790.2580	am	(P-5491/89; O-15888/89;	(P-4437) (E-4620)
694.280	am	(P-10035/89; A-840)			RC-15892; M-20136; A-1609)	(P-9357)
694.290	r	(P-10137/89; A-805)			(P-5491/89; O-15888/89;	(P-4437) (E-4620)

TITLE 77 (CONT'D.)

TITLE 77 (CONT'D)				
330.2220	am	(P-2210)	535.500	am (P-1755)
330.2720	am	(P-2210)	535.510	am (P-1755)
330.2730	am	(P-2210)	535.520	am (P-1755)
330.3020	am	(P-2210)	535.530	am (P-1755)
330.3030	am	(P-2210)	535.532	n (P-1755)
330.3220	am	(P-9833)	535.540	am (P-1755)
330.3230	am	(P-2210)	535.550	r (P-1755)
330.3240	am	(P-9833)	535.650	am (P-1755)
330.3260	am	(P-9833)	535.750	am (P-1755)
330.3710	am	(P-9833)	535.900	am (P-1755)
330.3720	am	(P-9833)	535.920	am (P-1755)
330.3730	am	(P-9833)	590.10	r (P-8493)
330.3750	am	(P-9833)	590.11	n (P-8503)
330.3770	am	(P-9833)	590.20	r (P-8493)
330.3780	am	(P-9833)	590.21	n (P-8503)
330.3810	am	(P-9833)	590.30	r (P-8493)
330.3880	am	(P-9833)	590.40	r (P-8493)
330.3900	am	(P-9833)	590.41	n (P-8503)
330.3940	am	(P-9833)	590.50	r (P-8493)
330.4010	am	(P-9833)	590.100	r (P-8493)
330.4010	am	(P-9833)	590.110	n (P-8503)
330.4010	am	(P-9833)	590.110	r (P-8493)
330.4010	am	(P-9833)	590.120	n (P-8503)
330.4010	am	(P-9833)	590.120	r (P-8493)
330.4010	am	(P-9833)	590.130	n (P-8503)
330.4010	am	(P-9833)	590.130	r (P-8493)
330.4010	am	(P-9833)	590.140	r (P-8493)
330.4010	am	(P-9833)	590.140	n (P-8503)
330.4010	am	(P-9833)	590.150	n (P-8503)
330.4010	am	(P-9833)	590.200	n (P-8503)
330.4010	am	(P-9833)	590.210	n (P-8503)
330.4010	am	(P-9833)	590.220	n (P-8503)
330.4010	am	(P-9833)	590.230	n (P-8503)
330.4010	am	(P-9833)	590.240	n (P-8503)
330.4010	am	(P-9833)	590.300	n (P-8503)
330.4010	am	(P-9833)	590.310	n (E-8725)
330.4010	am	(P-9833)	590.320	n (E-8725)
330.4010	am	(P-14280/89; A-2360)	590.330	n (E-8725)
330.4010	r	(P-14280/89; A-2360)	590.330	n (E-8725)
330.4010	r	(P-14280/89; A-2360)	590.400	n (E-8725)
330.4010	am	(P-1755)	590.410	n (E-8725)
330.4010	am	(P-1755)	590.420	n (E-8725)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am	(P-1755)	590.420	n (P-8503)
330.4010	am			

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790.2603	r	(P-1220) (E-1505)	790.4670	am	(P-16910/89; A-3184) (P-4437)	790.6780	am	(P-4437) (E-4620)	790.9045	am	(P-4437) (E-4620)
790.2603	am	(P-1220; A-8154) (P-4437)	790.4680	am	(P-16910/89; A-3184)	790.6820	am	(P-4437) (E-4620)	790.9048	am	(P-1220; A-8154) (E-1505)
790.2605	am	(E-4620)	790.4700	am	(P-4437) (E-4620)	790.6875	am	(P-1220; A-8154) (E-1505)	790.9050	n	(P-16910/89; A-3184)
790.2614	am	(P-4437) (P-9357)	790.4720	am	(P-1220; A-8154) (E-1505)	790.6940	am	(P-4437) (E-4620)	790.9060	am	(P-4437) (E-4620)
790.2618	am	(P-4437) (E-4620)	790.4725	n	(P-1220; A-8154) (E-1505)	790.6980	am	(P-4437) (E-4620)	790.9084	am	(P-1220; A-8154) (E-1505)
790.2661	n	(P-4437) (E-4620)	790.4728	n	(P-16910/89; A-3184)	790.7100	am	(P-4437) (E-4620)			(P-16910/89; A-3184) (P-4437)
790.2662	n	(P-4437) (E-4620)	790.4740	am	(P-4437) (E-4620)	790.7120	am	(P-4437) (E-4620)			(P-4620) (E-9556) (P-9357)
790.2780	am	(P-4437) (E-4620)	790.4860	am	(P-16910/89; A-3184) (E-9556)	790.7140	am	(P-4437) (E-4620)	790.9180	am	(P-4437) (E-4620)
790.2820	am	(P-9357)	790.4940	am	(P-9357)	790.7160	am	(P-4437) (E-4620)	790.9320	am	(P-1220; A-8154) (E-1505)
790.2860	am	(E-9556) (P-9357)	790.5020	am	(E-9556) (P-9357)	790.7180	n	(P-4437) (E-4620)	790.9340	am	(P-4437) (E-4620)
790.2902	n	(P-4437) (E-4620)	790.5060	am	(P-4437) (E-4620)	790.7260	am	(P-4437) (E-4620)	790.9380	am	(P-4437) (E-4620)
790.2915	n	(P-4437) (E-4620)	790.5100	am	(E-9556) (P-9357)	790.7278	am	(P-9357)	790.9420	am	(P-4437) (E-4620)
790.2940	am	(P-16910/89; A-3184)	790.5140	am	(P-4437) (E-4620)	790.7280	am	(P-16910/89; A-3184) (P-4437)	790.9460	am	(E-9556) (P-9357)
790.2980	am	(P-16910/89; A-3184)	790.5180	am	(P-9357)	790.7284	am	(E-9556) (P-9357)	790.9800	am	(P-4437) (E-4620)
790.3020	am	(E-9556) (P-9357)	790.5312	am	(P-1220; A-8154) (E-1505)	790.7340	am	(P-9357)	820.210	am	(P-12395/89; A-786)
790.3025	am	(P-4437) (E-4620)	790.5320	am	(E-9556) (P-9357)	790.7380	am	(E-9556) (P-9357)	830.20	am	(P-571) (E-1036)
790.3032	am	(P-4437) (E-4620)	790.5340	am	(P-4437) (E-4620)	790.7400	am	(P-16910/89; A-3184) (P-4437)	830.880	n	(P-571) (E-1036)
790.3033	am	(P-4437) (E-4620)	790.5420	am	(P-4437) (E-4620)	790.7500	am	(P-16910/89; A-3184) (E-9556)	830.885	n	(P-571) (E-1036)
790.3049	am	(P-4437) (E-4620)	790.5500	am	(P-4437) (E-4620)	790.7540	am	(P-4437) (E-4620)	830.890	n	(P-571) (E-1036)
790.3051	am	(P-1220; A-8154) (E-1505)	790.5560	am	(E-9556) (P-9357)	790.7700	am	(P-4437) (E-4620)	830.900	n	(P-571) (E-1036)
790.3140	am	(P-4437) (E-4620)	790.5620	am	(P-16910/89; A-3184) (P-4437)	790.7740	am	(P-4437) (E-4620)	840.5	n	(P-15284/89; A-5495)
790.3220	am	(E-9556) (P-9357)	790.5720	am	(E-4620) (E-9556) (P-9357)	790.7820	am	(P-4437) (E-4620)	840.10	am	(P-15284/89; A-5495)
790.3300	am	(P-4437) (E-4620)	790.5740	am	(P-4437) (E-4620)	790.7828	am	(P-16910/89; A-3184) (P-4437)	840.20	am	(P-15284/89; A-5495)
790.3335	am	(E-9556) (P-9357)	790.5820	am	(P-9357)	790.7834	am	(P-4437) (E-4620)	840.30	am	(P-15284/89; A-5495)
790.3340	am	(P-16910/89; A-3184)	790.5830	am	(P-1220; A-8154) (E-1505)	790.7860	am	(P-4437) (E-4620)	840.305	n	(P-15284/89; A-5495)
790.3420	am	(E-9556) (P-9357)	790.5837	r	(P-1220; A-8154) (E-1505)	790.7940	am	(P-4437) (E-4620)	840.310	n	(P-15284/89; A-5495)
790.3440	am	(P-16910/89; A-3184)	790.5860	am	(P-4437) (E-4620)	790.8015	am	(P-4437) (E-4620)	840.310	am	(P-15284/89; A-5495)
790.3492	am	(P-4437) (E-4620)	790.5872	am	(P-16910/89; A-3184) (P-4437)	790.8020	am	(P-4437) (E-4620)	840.310	am	(P-15284/89; A-5495)
790.3540	am	(P-4437) (E-4620)	790.5900	am	(E-4620)	790.8060	am	(P-9357)	840.310	am	(P-15284/89; A-5495)
790.3620	am	(P-16910/89; A-3184) (E-9556)	790.5940	am	(P-4437) (E-4620)	790.8136	am	(P-4437) (E-4620)	840.310	am	(P-15284/89; A-5495)
790.3742	am	(P-4437) (E-4620)	790.6140	am	(P-4437) (E-4620)	790.8232	am	(P-4437) (E-4620)	840.310	am	(P-15284/89; A-5495)
790.3910	am	(P-1220; A-8154) (E-1505)	790.6180	am	(P-4437) (E-4620)	790.8248	am	(P-4437) (E-4620)	840.310	am	(P-15284/89; A-5495)
790.3940	am	(P-4437) (E-4620)	790.6275	am	(P-9357)	790.8290	am	(P-4437) (E-4620)	840.310	am	(P-15284/89; A-5495)
790.3945	am	(P-4437) (E-4620)	790.6277	am	(P-16910/89; A-3184)	790.8300	am	(P-4437) (E-4620)	840.310	am	(P-15284/89; A-5495)
790.4040	am	(E-9556) (P-9357)	790.6340	am	(P-16910/89; A-3184)	790.8378	am	(P-4437) (E-4620)	840.310	am	(P-15284/89; A-5495)
790.4060	am	(P-4437) (E-4620)	790.6370	am	(P-9357)	790.8420	am	(P-16910/89; A-3184) (E-9556)	840.310	am	(P-15284/89; A-5495)
790.4140	am	(E-9556) (P-9357)	790.6435	am	(P-1220; A-8154) (E-1505)	790.8460	am	(P-9357)	840.310	am	(P-15284/89; A-5495)
790.4180	am	(P-4437) (E-4620)	790.6450	am	(E-9556) (P-9357)	790.8540	am	(P-4437) (E-4620)	840.310	am	(P-15284/89; A-5495)
790.4220	am	(P-4437) (E-4620)	790.6452	am	(P-16910/89; A-3184)	790.8555	am	(P-4437) (E-4620)	840.310	am	(P-15284/89; A-5495)
790.4384	n	(P-4437) (E-4620)	790.6456	am	(P-16910/89; A-3184)	790.8660	am	(P-4437) (E-4620)	840.310	am	(P-15284/89; A-5495)
790.4396	am	(E-4620) (E-9556) (P-9357)	790.6460	am	(E-9556) (P-9357)	790.8700	am	(P-4437) (E-4620)	840.310	am	(P-15284/89; A-5495)
790.4420	am	(E-9556) (P-9357)	790.6500	am	(E-9556) (P-9357)	790.8710	am	(E-9556) (P-9357)	840.310	am	(P-15284/89; A-5495)
790.4430	am	(P-4437) (E-4620)	790.6540	am	(E-9556) (P-9357)	790.8900	am	(P-4437) (E-4620)	840.310	am	(P-15284/89; A-5495)
790.4460	am	(P-4437) (E-4620)	790.6570	am	(P-4437) (E-4620)	790.8940	am	(P-16910/89; A-3184) (P-4437)	840.310	am	(P-15284/89; A-5495)
790.4580	am	(P-4437) (E-4620)	790.6580	am	(P-4437) (E-4620)	790.8980	am	(E-4620)	840.310	am	(P-15284/89; A-5495)
790.4660	am	(P-4437) (E-4620)	790.6620	am	(P-4437) (E-4620)	790.9020	am	(E-9556) (P-9357)	840.310	am	(P-15284/89; A-5495)
790.4665	am	(P-16910/89; A-3184)	790.6621	r	(P-4437) (E-4620)						
790.4667	am	(P-4437) (E-4620)	790.6670	am	(E-9556) (P-9357)						

TITLE 77 (CONT'D)		TITLE 77 (CONT'D)	
855-Ap.A	am	1160.110	r
IL.B	am	1160.120	r
855-Ap.C	am	1160.210	r
IL.A	am	1160.220	r
IL.B	am	1160.230	r
IL.C	am	1160.310	r
IL.D	am	1160.410	r
IL.E	am	1160.420	r
IL.F	am	1160.430	r
IL.G	am	1160.440	r
IL.H	am	1160.450	r
IL.I	am	1160.510	r
IL.J	am	1160.520	r
890.120	am	1160.530	r
890.620	am	1160.610	r
890.630	am	1160.620	r
890.640	am	1160.630	r
890.730	am	1160.640	r
890.820	am	1160.650	r
890.830	am	1160.710	r
890.920	am	1160.720	r
890.1040	am	1160.730	r
890.1070	am	1160.740	r
890.1110	am	1160.750	r
890.1210	am	1160.760	r
890.1410	am	1160.770	r
890.1460	am	1160.780	r
890.1540	am	1160.790	r
890.1550	am	1160.810	r
890.1620	am	1160.820	r
890.1640	am	1160.830	r
890.1650	am	1160.840	r
890.1720	am	1160.850	r
890.1750	am	1160.860	r
890.2000	am	1160.870	r
890.2110	am	1160.880	r
890.3010	am	1160.890	r
890.3020	am	1160.900	r
890.3030	am	1160.910	r
890.3040	am	1160.920	r
890.3050	am	1160.930	r
890.3060	am	1160.940	r
890.3070	am	1160.950	r
890.3080	am	1160.960	r
890.3090	am	1160.970	r
890.4000	am	1160.980	r
900.10	am	1160.990	r
900.40	am	1160.100	r
900.50	am	1160.110	r
900.60	am	1160.120	r
900.65	am	1160.130	r
900.70	am	1160.140	r
900.80	am	1160.150	r
900.10	am	1160.160	r
900.40	am	1160.170	r
900.50	am	1160.180	r
900.60	am	1160.190	r
900.65	am	1160.200	r
900.70	am	1160.210	r
900.80	am	1160.220	r
900.10	am	1160.230	r
900.40	am	1160.240	r
900.50	am	1160.250	r
900.60	am	1160.260	r
900.65	am	1160.270	r
900.70	am	1160.280	r
900.80	am	1160.290	r
900.10	am	1160.300	r
900.40	am	1160.310	r
900.50	am	1160.320	r
900.60	am	1160.330	r
900.65	am	1160.340	r
900.70	am	1160.350	r
900.80	am	1160.360	r
900.10	am	1160.370	r
900.40	am	1160.380	r
900.50	am	1160.390	r
900.60	am	1160.400	r
900.65	am	1160.410	r
900.70	am	1160.420	r
900.80	am	1160.430	r
900.10	am	1160.440	r
900.40	am	1160.450	r
900.50	am	1160.460	r
900.60	am	1160.470	r
900.65	am	1160.480	r
900.70	am	1160.490	r
900.80	am	1160.500	r
900.10	am	1160.510	r
900.40	am	1160.520	r
900.50	am	1160.530	r
900.60	am	1160.540	r
900.65	am	1160.550	r
900.70	am	1160.560	r
900.80	am	1160.570	r
900.10	am	1160.580	r
900.40	am	1160.590	r
900.50	am	1160.600	r
900.60	am	1160.610	r
900.65	am	1160.620	r
900.70	am	1160.630	r
900.80	am	1160.640	r
900.10	am	1160.650	r
900.40	am	1160.660	r
900.50	am	1160.670	r
900.60	am	1160.680	r
900.65	am	1160.690	r
900.70	am	1160.700	r
900.80	am	1160.710	r
900.10	am	1160.720	r
900.40	am	1160.730	r
900.50	am	1160.740	r
900.60	am	1160.750	r
900.65	am	1160.760	r
900.70	am	1160.770	r
900.80	am	1160.780	r
900.10	am	1160.790	r
900.40	am	1160.800	r
900.50	am	1160.810	r
900.60	am	1160.820	r
900.65	am	1160.830	r
900.70	am	1160.840	r
900.80	am	1160.850	r
900.10	am	1160.860	r
900.40	am	1160.870	r
900.50	am	1160.880	r
900.60	am	1160.890	r
900.65	am	1160.900	r
900.70	am	1160.910	r
900.80	am	1160.920	r
900.10	am	1160.930	r
900.40	am	1160.940	r
900.50	am	1160.950	r
900.60	am	1160.960	r
900.65	am	1160.970	r
900.70	am	1160.980	r
900.80	am	1160.990	r
900.10	am	1160.100	r
900.40	am	1160.110	r
900.50	am	1160.120	r
900.60	am	1160.130	r
900.65	am	1160.140	r
900.70	am	1160.150	r
900.80	am	1160.160	r
900.10	am	1160.170	r
900.40	am	1160.180	r
900.50	am	1160.190	r
900.60	am	1160.200	r
900.65	am	1160.210	r
900.70	am	1160.220	r
900.80	am	1160.230	r
900.10	am	1160.240	r
900.40	am	1160.250	r
900.50	am	1160.260	r
900.60	am	1160.270	r
900.65	am	1160.280	r
900.70	am	1160.290	r
900.80	am	1160.300	r
900.10	am	1160.310	r
900.40	am	1160.320	r
900.50	am	1160.330	r
900.60	am	1160.340	r
900.65	am	1160.350	r
900.70	am	1160.360	r
900.80	am	1160.370	r
900.10	am	1160.380	r
900.40	am	1160.390	r
900.50	am	1160.400	r
900.60	am	1160.410	r
900.65	am	1160.420	r
900.70	am	1160.430	r
900.80	am	1160.440	r
900.10	am	1160.450	r
900.40	am	1160.460	r
900.50	am	1160.470	r
900.60	am	1160.480	r
900.65	am	1160.490	r
900.70	am	1160.500	r
900.80	am	1160.510	r
900.10	am	1160.520	r
900.40	am	1160.530	r
900.50	am	1160.540	r
900.60	am	1160.550	r
900.65	am	1160.560	r
900.70	am	1160.570	r
900.80	am	1160.580	r
900.10	am	1160.590	r
900.40	am	1160.600	r
900.50	am	1160.610	r
900.60	am	1160.620	r
900.65	am	1160.630	r
900.70	am	1160.640	r
900.80	am	1160.650	r
900.10	am	1160.660	r
900.40	am	1160.670	r
900.50	am	1160.680	r
900.60	am	1160.690	r
900.65	am	1160.700	r
900.70	am	1160.710	r
900.80	am	1160.720	r
900.10	am	1160.730	r
900.40	am	1160.740	r
900.50	am	1160.750	r
900.60	am	1160.760	r
900.65	am	1160.770	r
900.70	am	1160.780	r
900.80	am	1160.790	r
900.10	am	1160.800	r
900.40	am	1160.810	r
900.50	am	1160.820	r
900.60	am	1160.830	r
900.65	am	1160.840	r
900.70	am	1160.850	r
900.80	am	1160.860	r
900.10	am	1160.870	r
900.40	am	1160.880	r
900.50	am	1160.890	r
900.60	am	1160.900	r
900.65	am	1160.910	r
900.70	am	1160.920	r
900.80	am	1160.930	r
900.10	am	1160.940	r
900.40	am	1160.950	r
900.50	am	1160.960	r
900.60	am	1160.970	r
900.65	am	1160.980	r
900.70	am	1160.990	r
900.80	am	1160.100	r
900.10	am	1160.110	r
900.40	am	1160.120	r
900.50	am	1160.130	r
900.60	am	1160.140	r
900.65	am	1160.150	r
900.70	am	1160.160	r
900.80	am	1160.170	r
900.10	am	1160.180	r
900.40	am	1160.190	r
900.50	am	1160.200	r
900.60	am	1160.210	r
900.65	am	1160.220	r
900.70	am	1160.230	r
900.80	am	1160.240	r
900.10	am	1160.250	r
900.40	am	1160.260	r
900.50	am	1160.270	r
900.60	am	1160.280	r
900.65	am	1160.290	r
900.70	am	1160.300	r
900.80	am	1160.310	r
900.10	am	1160.320	r
900.40	am	1160.330	r
900.50	am	1160.340	r
900.60	am	1160.350	r
900.65	am	1160.360	r
900.70	am	1160.370	r
900.80	am	1160.380	r
900.10	am	1160.390	r
900.40	am	1160.400	r
900.50	am	1160.410	r
900.60	am	1160.420	r
900.65	am	1160.430	r
900.70	am	1160.440	r
900.80	am	1160.450	r
900.10	am	1160.460	r
900.40	am	1160.470	r
900.50	am	1160.480	r
900.60	am	1160.490	r
900.65	am	1160.500	r
900.70	am	1160.510	r
900.80	am	1160.520	r
900.10	am	1160.530	r
900.40	am	1160.540	r
900.50	am	1160.550	r
900.60	am	1160.560	r
900.65	am	1160.570	r
900.70	am	1160.580	r
900.80	am	1160.590	r
900.10	am	1160.600	r
900.40	am	1160.610	r
900.50	am	1160.620	r
900.60	am	1160.630	r
900.65	am	1160.640	r
900.70	am	1160.650	r
900.80	am	1160.660	r
900.10	am	1160.670	r
900.40	am	1160.680	r
900.50	am	1160.690	r
900.60	am	1160.700	r
900.65	am	1160.710	r
900.70	am	1160.720	r
900.80	am	1160.730	r
900.10	am	1160.740	r
900.40	am	1160.750	r
900.50	am	1160.760	r
900.60	am	1160.770	r
900.65	am	1160.780	r
900.70	am	1160.790	r
900.80	am	1160	

TITLE 83 (CONT'D)					
285.170	am	(P-5229/89; A-6000)	285.1330	n	(P-5229/89; A-6000)
285.210	am	(P-5229/89; A-6000)	285.4000	n	(P-5229/89; A-6000)
285.310	am	(P-5229/89; A-6000)	285.4001	n	(P-5229/89; A-6000)
285.410	am	(P-5229/89; A-6000)	285.4005	n	(P-5229/89; A-6000)
285.420	am	(P-5229/89; A-6000)	285.4010	n	(P-5229/89; A-6000)
285.1000	n	(P-5229/89; A-6000)	285.4015	n	(P-5229/89; A-6000)
285.1005	n	(P-5229/89; A-6000)	285.4020	n	(P-5229/89; A-6000)
285.1010	n	(P-5229/89; A-6000)	285.4025	n	(P-5229/89; A-6000)
285.1015	n	(P-5229/89; A-6000)	285.5000	n	(P-5229/89; A-6000)
285.2000	n	(P-5229/89; A-6000)	285.5005	n	(P-5229/89; A-6000)
285.2005	n	(P-5229/89; A-6000)	285.5010	n	(P-5229/89; A-6000)
285.2010	n	(P-5229/89; A-6000)	285.5015	n	(P-5229/89; A-6000)
285.2015	n	(P-5229/89; A-6000)	285.5020	n	(P-5229/89; A-6000)
285.2020	n	(P-5229/89; A-6000)	285.5025	n	(P-5229/89; A-6000)
285.2025	n	(P-5229/89; A-6000)	285.Ex.A	r	(P-5229/89; A-6000)
285.2030	n	(P-5229/89; A-6000)	285.Ex.B	r	(P-5229/89; A-6000)
285.2035	n	(P-5229/89; A-6000)	285.Ex.C	r	(P-5229/89; A-6000)
285.2040	n	(P-5229/89; A-6000)	285.Ex.D	r	(P-5229/89; A-6000)
285.2045	n	(P-5229/89; A-6000)	285.Ex.E	r	(P-5229/89; A-6000)
285.2050	n	(P-5229/89; A-6000)	410.360	am	(P-16211/89; A-3454)
285.2055	n	(P-5229/89; A-6000)	445.10	n	(P-13129/89; A-626)
285.2060	n	(P-5229/89; A-6000)	445.20	n	(P-13129/89; A-626)
285.2065	n	(P-5229/89; A-6000)	445.30	n	(P-13129/89; A-626)
285.2070	n	(P-5229/89; A-6000)	445.40	n	(P-13129/89; A-626)
285.2075	n	(P-5229/89; A-6000)	445.50	n	(P-13129/89; A-626)
285.2080	n	(P-5229/89; A-6000)	445.60	n	(P-13129/89; A-626)
285.2085	n	(P-5229/89; A-6000)	445.70	n	(P-13129/89; A-626)
285.2090	n	(P-5229/89; A-6000)	445.80	n	(P-13129/89; A-626)
285.2095	n	(P-5229/89; A-6000)	445.90	n	(P-13129/89; A-626)
285.2100	n	(P-5229/89; A-6000)	445.100	n	(P-13129/89; A-626)
285.2105	n	(P-5229/89; A-6000)	445.200	n	(P-13129/89; A-626)
285.2110	n	(P-5229/89; A-6000)	500.335	am	(P-16219/89; A-3465)
285.2115	n	(P-5229/89; A-6000)	505.10	am	(P-13361/89; A-1606)
285.2120	n	(P-5229/89; A-6000)	510.10	am	(P-19344/89; A-10018)
285.2125	n	(P-5229/89; A-6000)	790.10	am	(P-1552; A-10021)
285.3000	n	(P-5229/89; A-6000)	755.10	am	(P-15157/89; A-3042)
285.3005	n	(P-5229/89; A-6000)	755.210	am	(P-15157/89; A-3042)
285.3010	n	(P-5229/89; A-6000)	757.10	am	(P-2731)
285.3015	n	(P-5229/89; A-6000)	757.300	n	(P-2731)
285.3020	n	(P-5229/89; A-6000)	757.320	n	(P-2731)
285.3025	n	(P-5229/89; A-6000)	757.330	n	(P-2731)
285.3030	n	(P-5229/89; A-6000)	757.340	n	(P-2731)
285.3035	n	(P-5229/89; A-6000)	757.350	n	(P-2731)
285.3040	n	(P-5229/89; A-6000)	757.400	n	(P-2731)
285.3045	n	(P-5229/89; A-6000)	757.410	n	(P-2731)
285.3050	n	(P-5229/89; A-6000)	757.Ex.B	r	(P-2731)
285.3055	n	(P-5229/89; A-6000)	757.Ex.C	r	(P-2731)
285.3060	n	(P-5229/89; A-6000)	757.Ex.D	r	(P-2731)
285.3065	n	(P-5229/89; A-6000)	760.20	am	(P-13358/89; A-3037) (P-9631)
285.3070	n	(P-5229/89; A-6000)	900.5	n	(P-12680/89; A-624)
285.3075	n	(P-5229/89; A-6000)	900.10	r	(P-12

am	1230.100	(P-7700)	am	1230.110	(P-7700)
am	1230.110	(P-7700)	am	1230.110	(P-7700)
am	1230.140	(P-7700)	am	1230.140	(P-7700)
am	1230.150	(P-7700)	am	1230.150	(P-7700)
am	1230.160	(P-7700)	am	1230.160	(P-7700)
am	1230.180	(P-7700)	am	1230.180	(P-7700)
am	1230.190	(P-7700)	am	1230.190	(P-7700)
am	1230.200	(P-7700)	am	1230.200	(P-7700)
am	1230.220	(P-7700)	am	1230.220	(P-7700)
am	1540.80	(P-4880)	am	1540.80	(P-4880)
am	1540.90	(P-4880)	am	1540.90	(P-4880)
am	1540.250	(P-4880; RC-10149)	am	1540.250	(P-4880; RC-10149)
am	1600.40	(P-1228; A-6789)	am	1600.40	(P-1228; A-6789)
n	2160.210	(P-4288)	n	2160.210	(P-4288)
n	2160.220	(P-4288)	n	2160.220	(P-4288)
n	2160.230	(P-4288)	n	2160.230	(P-4288)
n	2160.240	(P-4288)	n	2160.240	(P-4288)
n	2160.250	(P-4288)	n	2160.250	(P-4288)
n	2160.310	(P-4288)	n	2160.310	(P-4288)
n	2160.320	(P-4288)	n	2160.320	(P-4288)
n	2160.330	(P-4288)	n	2160.330	(P-4288)
n	2160.410	(P-4288)	n	2160.410	(P-4288)
n	2160.420	(P-4288)	n	2160.420	(P-4288)
n	2160.510	(P-4288)	n	2160.510	(P-4288)
n	2160.520	(P-4288)	n	2160.520	(P-4288)
n	2160.610	(P-4288)	n	2160.610	(P-4288)
n	2160.620	(P-4288)	n	2160.620	(P-4288)
n	2160.710	(P-4288)	n	2160.710	(P-4288)
n	2160.720	(P-4288)	n	2160.720	(P-4288)
am	3000.Ap-A	(P-1548; A-10014)	am	3000.Ap-A	(P-1548; A-10014)

am	281.10	(P-4312)	am	281.10	(P-4312)
r	281.15	(P-4312)	r	281.15	(P-4312)
r	281.20	(P-4312)	r	281.20	(P-4312)
r	281.22	(P-4312)	r	281.22	(P-4312)
r	281.25	(P-4312)	r	281.25	(P-4312)
r	281.30	(P-4312)	r	281.30	(P-4312)
r	281.32	(P-4312)	r	281.32	(P-4312)
r	281.35	(P-4312)	r	281.35	(P-4312)
r	281.45	(P-4312)	r	281.45	(P-4312)
r	281.50	(P-4312)	r	281.50	(P-4312)
r	281.60	(P-4312)	r	281.60	(P-4312)
r	281.70	(P-4312)	r	281.70	(P-4312)
r	281.80	(P-4312)	r	281.80	(P-4312)
r	281.90	(P-4312)	r	281.90	(P-4312)
r	281.95	(P-4312)	r	281.95	(P-4312)
r	281.100	(P-4312)	r	281.100	(P-4312)
r	281.Ex. A	(P-4312)	r	281.Ex. A	(P-4312)
r	281.Ex. D	(P-4312)	r	281.Ex. D	(P-4312)
r	281.Ex. E	(P-4312)	r	281.Ex. E	(P-4312)
r	281.Ex. F	(P-4312)	r	281.Ex. F	(P-4312)
r	281.Ex. G	(P-4312)	r	281.Ex. G	(P-4312)
r	281.Ex. H	(P-4312)	r	281.Ex. H	(P-4312)
r	281.Ap. A	(P-4312)	r	281.Ap. A	(P-4312)
am	285.110	(P-5229/89; A-6000)	am	285.110	(P-5229/89; A-6000)
am	285.115	(P-5229/89; A-6000)	am	285.115	(P-5229/89; A-6000)
am	285.130	(P-5229/89; A-6000)	am	285.130	(P-5229/89; A-6000)
am	285.140	(P-5229/89; A-6000)	am	285.140	(P-5229/89; A-6000)
n	285.145	(P-5229/89; A-6000)	n	285.145	(P-5229/89; A-6000)
am	285.150	(P-5229/89; A-6000)	am	285.150	(P-5229/89; A-6000)
am	285.160	(P-5229/89; A-6000)	am	285.160	(P-5229/89; A-6000)

am	281.10	(P-7693)	am	281.10	(P-7693)
am	281.15	(P-7693)	am	281.15	(P-76

TITLE 83 (CONT'D)

1000.20	r	(P-12756/89; A-681)	140.305	am	(P-10179/89; A-262)	112.151	am	(P-4054) (P-9291)	114.462	n	(P-5385)
1000.30	r	(P-12756/89; A-681)	140.401	am	(P-10179/89; A-262)	112.252	am	(P-1474/89; A-705)	114.464	n	(P-5385)
1000.40	r	(P-12756/89; A-681)	140.405	am	(P-10179/89; A-262)	112.253	am	(P-1474/89; A-705)	114.466	n	(P-5385)
1000.50	r	(P-12756/89; A-681)	140.420	am	(P-10179/89; A-262)	112.254	am	(P-1474/89; A-705)	114.502	n	(P-5385)
1000.60	r	(P-12756/89; A-681)	140.425	am	(P-10179/89; A-262)			(P-19117/89; A-6306)	114.504	n	(P-5385)
1000.70	r	(P-12756/89; A-681)	140.430	am	(P-10179/89; A-262)			(P-16894/89; A-3575)	114.506	n	(P-5385)
1000.80	r	(P-12756/89; A-681)	140.501	am	(P-10179/89; A-262)			(P-16894/89; A-3575)	114.508	n	(P-5385)
1000.90	r	(P-12756/89; A-681)	140.505	am	(P-10179/89; A-262)			(P-538) (P-538; A-6306)	114.510	n	(P-5385)
1000.100	r	(P-12756/89; A-681)	140.1301	r	(P-10179/89; A-262)	112.304	am		114.512	n	(P-5385)
1000.110	r	(P-12756/89; A-681)	140.1310	r	(P-10179/89; A-262)	112.308	am		114.514	n	(P-5385)
1000.120	r	(P-12756/89; A-681)	140.1415	am	(P-10179/89; A-262)	112.315	#		114.516	n	(P-5385)
1000.130	r	(P-12756/89; A-681)	140.1501	am	(P-10179/89; A-262)	112.330	am		114.518	n	(P-5385)
1000.140	r	(P-12756/89; A-681)	140.1601	am	(P-10179/89; A-262)	112.332	r		115.10	n	(P-5385)
1000.150	r	(P-12756/89; A-681)	150.325	am	(P-7215/89; A-6835)	112.350	n		115.30	am	(P-2469)
1000.160	r	(P-12756/89; A-681)	150.330	am	(P-7215/89; A-6835)	112.352	n		117.20	am	(P-17241/89; A-9488)
1000.170	r	(P-12756/89; A-681)	150.1401	am	(P-7215/89; A-6835)	112.354	n		117.51	am	(P-14008/89; A-780)
			150.1405	am	(P-7215/89; A-6835)	112.356	n		117.53	am	(P-14008/89; A-780)
			150.1415	am	(P-7215/89; A-6835)	112.358	n		118.300	am	(P-14008/89; A-780)
			205.10	n	(P-575; A-6831)	112.362	n		118.400	#	(P-2473)
			205.20	n	(P-575; A-6831)	112.364	n		120.11	am	(P-15582/89; A-4233)
			205.30	n	(P-575; A-6831)	112.366	n		120.20	am	(P-5724) (E-5839)
			420.10	am	(P-9402)	112.400	n		120.30	am	(P-14778/89; A-760)
			420.140	am	(P-9402)	112.402	n		120.31	am	(P-14778/89; A-760)
			428.130	am	(E-9251) (P-8996)	112.404	n		120.60	am	(P-15582/89; A-4233) (P-5724)
			432.110	am	(P-19371/89; A-6399)	112.406	n		120.61	am	(P-15582/89; A-4233)
			432.120	am	(P-19371/89; A-6399)	112.408	n		120.62	am	(P-15582/89; A-4233)
			432.160	am	(P-19371/89; A-6399)	112.410	n		120.64	am	(P-15582/89; A-4233)
			450.10	am	(P-12964/89; A-6804)	112.412	n		120.70	am	(P-538; A-7637)
			495.100	am	(P-16723/89; O-10152)	112.414	n		120.72	am	(P-538; A-7637)
			500.101	am	(P-13201/89; A-6826)	112.416	n		120.74	am	(P-538; A-7637) (E-1494)
			2000.100	am	(P-4281)	112.418	n		120.76	am	(P-538; A-7637)
			2000.101	n	(P-4281)	113.9	am		120.208	am	(P-2831)
			2000.Ap.A	n	(P-4281)	113.140	am		120.235	am	(P-4081)
						113.141	am		120.281	am	(P-4081)
						113.154	am		120.284	n	(P-15582/89; A-4233)
						113.155	n		120.285	am	(P-19157/89; A-6372)
						113.253	am		120.308	am	(P-2831)
						113.260	am		120.335	am	(P-9343)
									120.370	am	(P-5954)
									120.379	n	(P-19157/89; A-6372)
									120.384	n	(P-15582/89; A-4233)
									120.385	am	(P-19157/89; A-6372)
									120.390	n	(P-19157/89; A-6372)
									120.391	am	(P-17229/89; A-4233) (P-5724)
									121.10	am	(E-5839)
									121.61	n	(P-5385)
									121.63	am	(P-9317)
									121.19	am	(P-13503/89; A-729)
									121.23	am	(P-13503/89; A-729)
									121.27	am	(P-13503/89; A-729)
									121.31	am	(P-13503/89; A-729)
									121.50	am	(P-14756/89; A-729)
									121.70	am	(P-13503/89; A-729)

TITLE 89

102.70	am	(P-7399)	113.261	n	(P-7813)	120.235	am			
103.10	am	(P-5965) (P-19180/89; A-6395)	113.262	n	(P-2821)	120.281	am			
110.30	am	(P-7395)	114.9	am	(P-7015)	120.284	am			
110.30	am	(P-2798)	114.85	n	(P-1669/89; A-3640)	120.308	am			
112.9	am		114.130	am	(P-5385)	120.335	am			
112.40	am	(P-1948/89; A-3170)	114.140	am	(P-4070)	120.370	am			
112.70	am	(P-1123)	114.210	am	(P-5713)	120.379	am			
112.71	am	(P-1123)	114.235	am	(P-5713)	120.384	am			
112.72	am	(P-1123)	114.241	am	(P-9815)	120.385	am			
112.76	am	(P-1123)	114.251	am	(P-4070)	120.390	am			
112.77	am	(P-1123)	114.251	am	(P-19146/89; A-6360)					
112.78	am	(P-1123)	114.270	am	(P-14764/89; A-746)					
112.80	am	(P-1123)	114.351	am	(P-14764/89; A-746)					
112.82	am	(P-1123)	114.352	am	(P-14764/89; A-746)					
112.83	am	(P-1123)	114.353	am	(P-5385)					
112.88	#	(P-4054) (P-9291)	114.402	am	(P-5385)					
112.89	am	(P-5695)	114.430	am	(P-5945)					
112.90	am	(P-16894/89; A-3575) (P-1123)	114.450	n	(P-5385)					
112.91	am	(P-1123)	114.452	n	(P-5385)					
112.92	am	(P-5695)	114.454	n	(P-5385)					
112.93	am	(P-5695)	114.456	n	(P-5385)					
112.94	am	(P-5695)	114.458	n	(P-5385)					
112.95	am	(P-5695)	114.460	n	(P-5385)					

TITLE 89 (CONT'D)		TITLE 89 (CONT'D)	
121.72	am	141.100	am
121.92	am	141.200	am
130.200	am	141.280	am
130.321	am	141.560	am
140.7	am	141.640	am
140.24	am	141.720	am
140.400	am	141.800	am
140.413	am	141.1000	am
140.420	am	141.1125	am
140.421	am	141.1200	am
140.428	am	141.1280	am
140.429	am	141.1320	am
140.435	am	141.1520	am
140.436	am	141.1880	am
140.461	am	141.2400	am
140.462	am	141.2600	am
140.463	am	141.3120	am
140.471	am	141.3440	am
140.472	am	141.3480	am
140.473	am	141.3560	am
140.490	am	141.3800	am
140.491	am	141.3840	am
140.492	am	141.3880	am
140.525	am	141.3920	am
140.526	am	141.4040	am
140.528	am	141.4200	am
140.542	am	141.4360	am
140.543	am	141.4640	am
140.544	am	141.4760	am
140.545	am	144.1	am
140.560	am	144.5	am
140.561	am	144.25	am
140.562	am	144.50	am
140.565	am	144.75	am
140.566	am	144.100	am
140.567	am	144.105	am
140.568	am	144.125	am
140.569	am	144.150	am
140.642	am	144.175	am
140.646	am	144.200	am
140.647	am	144.205	am
140.648	am	144.225	am
140.649	am	144.250	am
140.650	am	144.275	am
140.652	am	144.300	am
140.653	am	144.325	am
140.654	am	144.350	am
140.655	am	144.375	am
140.656	am	144.400	am
140.657	am	144.425	am
140.658	am	144.450	am
140.659	am	144.475	am
140.660	am	144.500	am
140.661	am	144.525	am
140.662	am	144.550	am
140.663	am	144.575	am
140.664	am	144.600	am
140.665	am	144.625	am
140.666	am	144.650	am
140.667	am	144.675	am
140.668	am	144.700	am
140.669	am	144.725	am
140.670	am	144.750	am
140.671	am	144.775	am
140.672	am	144.800	am
140.673	am	144.825	am
140.674	am	144.850	am
140.675	am	144.875	am
140.676	am	144.900	am
140.677	am	144.925	am
140.678	am	144.950	am
140.679	am	144.975	am
140.680	am	145.000	am
140.681	am	145.025	am
140.682	am	145.050	am
140.683	am	145.075	am
140.684	am	145.100	am
140.685	am	145.125	am
140.686	am	145.150	am
140.687	am	145.175	am
140.688	am	145.200	am
140.689	am	145.225	am
140.690	am	145.250	am
140.691	am	145.275	am
140.692	am	145.300	am
140.693	am	145.325	am
140.694	am	145.350	am
140.695	am	145.375	am
140.696	am	145.400	am
140.697	am	145.425	am
140.698	am	145.450	am
140.699	am	145.475	am
140.700	am	145.500	am
140.701	am	145.525	am
140.702	am	145.550	am
140.703	am	145.575	am
140.704	am	145.600	am
140.705	am	145.625	am
140.706	am	145.650	am
140.707	am	145.675	am
140.708	am	145.700	am
140.709	am	145.725	am
140.710	am	145.750	am
140.711	am	145.775	am
140.712	am	145.800	am
140.713	am	145.825	am
140.714	am	145.850	am
140.715	am	145.875	am
140.716	am	145.900	am
140.717	am	145.925	am
140.718	am	145.950	am
140.719	am	145.975	am
140.720	am	146.000	am
140.721	am	146.025	am
140.722	am	146.050	am
140.723	am	146.075	am
140.724	am	146.100	am
140.725	am	146.125	am
140.726	am	146.150	am
140.727	am	146.175	am
140.728	am	146.200	am
140.729	am	146.225	am
140.730	am	146.250	am
140.731	am	146.275	am
140.732	am	146.300	am
140.733	am	146.325	am
140.734	am	146.350	am
140.735	am	146.375	am
140.736	am	146.400	am
140.737	am	146.425	am
140.738	am	146.450	am
140.739	am	146.475	am
140.740	am	146.500	am
140.741	am	146.525	am
140.742	am	146.550	am
140.743	am	146.575	am
140.744	am	146.600	am
140.745	am	146.625	am
140.746	am	146.650	am
140.747	am	146.675	am
140.748	am	146.700	am
140.749	am	146.725	am
140.750	am	146.750	am
140.751	am	146.775	am
140.752	am	146.800	am
140.753	am	146.825	am
140.754	am	146.850	am
140.755	am	146.875	am
140.756	am	146.900	am
140.757	am	146.925	am
140.758	am	146.950	am
140.759	am	146.975	am
140.760	am	147.000	am
140.761	am	147.025	am
140.762	am	147.050	am
140.763	am	147.075	am
140.764	am	147.100	am
140.765	am	147.125	am
140.766	am	147.150	am
140.767	am	147.175	am
140.768	am	147.200	am
140.769	am	147.225	am
140.770	am	147.250	am
140.771	am	147.275	am
140.772	am	147.300	am
140.773	am	147.325	am
140.774	am	147.350	am
140.775	am	147.375	am
140.776	am	147.400	am
140.777	am	147.425	am
140.778	am	147.450	am
140.779	am	147.475	am
140.780	am	147.500	am
140.781	am	147.525	am
140.782	am	147.550	am
140.783	am	147.575	am
140.784	am	147.600	am
140.785	am	147.625	am
140.786	am	147.650	am
140.787	am	147.675	am
140.788	am	147.700	am
140.789	am	147.725	am
140.790	am	147.750	am
140.791	am	147.775	am
140.792	am	147.800	am
140.793	am	147.825	am
140.794	am	147.850	am
140.795	am	147.875	am
140.796	am	147.900	am
140.797	am	147.925	am
140.798	am	147.950	am
140.799	am	147.975	am
140.800	am	148.000	am
140.801	am	148.025	am
140.802	am	148.050	am
140.803	am	148.075	am
140.804	am	148.100	am
140.805	am	148.125	am
140.806	am	148.150	am
140.807	am	148.175	am
140.808	am	148.200	am
140.809	am	148.225	am
140.810	am	148.250	am
140.811	am	148.275	am
140.812	am	148.300	am
140.813	am	148.325	am
140.814	am	148.350	am
140.815	am	148.375	am
140.816	am	148.400	am
140.817	am	148.425	am
140.818	am	148.450	am
140.819	am	148.475	am
140.820	am	148.500	am
140.821	am	148.525	am
140.822	am	148.550	am
140.823	am	148.575	am
140.824	am	148.600	am
140.825	am	148.625	am
140.826	am	148.650	am
140.827	am	148.675	am
140.828	am	148.700	am
140.829	am	148.725	am
140.830	am	148.750	am
140.831	am	148.775	am
140.832	am	148.800	am
140.833	am	148.825	am
140.834	am	148.850	am
140.835	am	148.875	am
140.836	am	148.900	am
140.837	am	148.925	am
140.838	am	148.950	am
140.839	am	148.975	am
140.840	am	149.000	am
140.841	am	149.025	am
140.842	am	149.050	am
140.843	am	149.075	am
140.844	am	149.100	am
140.845	am	149.125	am
140.846	am	149.150	am
140.847	am	149.175	am
140.848	am	149.200	am
140.849	am	149.225	am
140.850	am	149.250	am
140.851	am	149.275	am
140.852	am	149.300	am
140.853	am	149.325	am
140.854	am	149.350	am
140.855	am	149.375	am
140.856	am	149.400	am
140.857	am	149.425	am
140.858	am	149.450	am
140.859	am	149.475	am
140.860	am	149.500	am
140.861	am	149.525	am
140.862	am	149.550	am
140.863	am	149.575	am
140.864	am	149.600	am
140.865	am	149.625	am
140.866	am	149.650	am
140.867	am	149.675	am
140.868	am	149.700	am
140.869	am	149.725	am
140.870	am	149.750	am
140.871	am	149.775	am
140.872	am	149.800	am
140.873	am	149.825	am
140.874	am	149.850	am
140.875	am	149.875	am
140.876	am	149.900	am
140.877	am	149.925	am
140.878	am	149.950	am
140.879	am	149.975	am
140.880	am	150.000	am
140.881	am	150.025	am
140.882	am	150.050	am
140.883	am	150.075	am
140.884	am	150.100	am
140.885	am	150.125	am
140.886	am	150.150	am
140.887	am	150.175	am
140.888	am	150.200	am
140.889	am	150.225	am
140.890	am	150.250	am
140.891	am	150.275	am
140.892	am	150.300	am
140.893	am	150.325	am
140.894	am	150.350	am
140.			

[illegible]

TITLE 92 (CONT'D)

1001.410	am		1415.20	am	(P-19339/89; A-8583)
1001.420	am	(P-16932/89; A-2601; C-3698)	1415.35	am	(P-19339/89; A-8583)
1001.430	am	(P-5977)	1710.90	r	(P-2721)
1001.485	am	(P-16932/89; A-2601) (P-5977)	1710.91	am	(P-2721)
1010.170	n	(P-5977)	1710.160	am	(P-2721)
1010.170	n	(P-1853; A-9492)	1710.170	n	(P-2721)
1010.450	am	(P-15357/89; A-4560)	1710.171	n	(P-2721)
1010.433	n	(P-8575)	1710.172	n	(P-2721)
1010.454	n	(P-8575)			
1010.510	am	(P-8998)			
1010.520	am	(P-3022)			
1010.745	r	(P-19235/89; A-6848)			
1010.750	r	(P-19235/89; A-6848)			
1019.40	am	(P-18843/89; A-5813)			
1020.10	am	(P-14818/89; A-3671)			
1020.70	n	(P-19241/89; O-4711; M-8738; A-8704; F-10156)			
1030.16	n	(P-7130; W-9623)			
1030.30	am	(P-179; A-8707)			
1030.30	am	(P-2530; A-9498)			
1030.55	am	(P-2289; A-10111)			
1030.60	am	(P-2530; A-9498)			
1030.65	am	(P-14019/89; A-4570)			
1030.80	am	(P-579; A-9246)			
1030.81	n	(P-5060)			
1030.84	am	(P-2852)			
1030.85	am	(P-2289; A-10111)			
1030.91	n	(P-14344/89; A-5183)			
1030.92	am	(P-2852)			
1030.94	am	(P-1902)			
1030.95	am	(P-16297/89; A-4908)			
1030.Ap.A	am	(P-2289; A-10111)			
1040.25	n	(P-14810/89; A-2944)			
1040.32	am	(P-8109)			
1040.46	am	(P-5488)			
1040.55	n	(P-15351/89; A-3664)			
1040.60	am	(P-15635/89; A-5178)			
1040.80	n	(P-14014/89; A-5560)			
1060.5	am	(P-1859; A-8658)			
1060.20	am	(P-1859; A-8658)			
1060.60	am	(P-1859; A-8658)			
1060.70	am	(P-1859; A-8658)			
1060.100	am	(P-1859; A-8658)			
1060.130	am	(P-1859; A-8658)			
1060.140	am	(P-1859; A-8658)			
1060.150	am	(P-1859; A-8658)			
1060.160	am	(P-1859; A-8658)			
1060.230	am	(P-1859; A-8658)			
1060.240	am	(P-1859; A-8658)			
1060.250	am	(P-1859; A-8658)			
1060.260	n	(P-1859; A-8658)			
1070.50	am	(P-2526; A-10107)			
1070.90	n	(P-19116/89; A-6859)			
1207.20	am	(P-15150/89; A-3033)			
1300.10	r	(P-14147/89; A-3040)			
1300.20	r	(P-14147/89; A-3040)			
1300.30	r	(P-14147/89; A-3040)			
1300.40	r	(P-14147/89; A-3040)			
1300.50	r	(P-14147/89; A-3040)			
1300.60	r	(P-14147/89; A-3040)			
1415.10	am	(P-19339/89; A-8583)			

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